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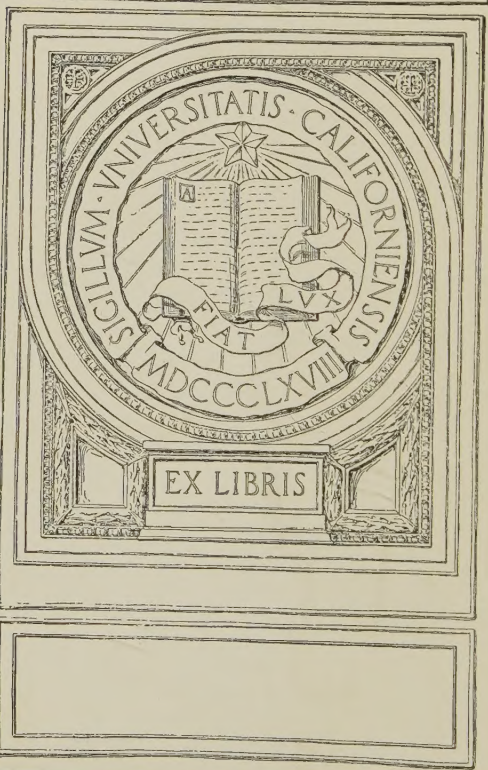

J. M. Findlay

THE FAMILY IN ITS SOCIOLOGICAL ASPECTS

BY

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PREFACE

In presenting this little volume to the general reader, and to the student of social institutions, no attempt has been made to include all the problems relating to the family. The social world is agitated by many suggested reforms and remedies for known or suspected evils in domestic relationships, and numerous writings are constantly appearing dealing with various aspects of this question. The new science of eugenics also is broadening its scope as it pushes to the front; and, if given time for development, will yet prove of inestimable value in any policy of racial upbuilding.

In this work it has been the writer's desire to present in a somewhat popular form the historical background for studies of the modern family and to indicate in general the apparent trend of future changes. It is believed that much of the pessimism of the time, so frequently voiced in discussions of divorce, arises from a failure to appreciate the present in its relation to the past. A sociological viewpoint, on the contrary, tends to develop a conviction in the essential integrity of the American family, a recognition of a trend

towards a highly ethical form of monogamous marriage, and a belief that familial interests will be best furthered by an intelligent public opinion expressing itself through law and moral code.

J. Q. Dealey.

May 8, 1912.

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THE FAMILY IN ITS SOCIOLOGICAL ASPECTS

CHAPTER I

THE FAMILY AS A SOCIAL INSTITUTION

THROUGHOUT Western civilization problems in respect to the family are coming to the front. For the past three centuries men have devoted themselves to the reconstruction of economic, political, religious, and educational institutions, but have up to very recent years utterly neglected that most important and most fundamental of all institutions — the family.

In the latter half of the nineteenth century the rise of the theory of evolution aroused an interest in the origin and development of social institutions, and among these the family soon attracted attention. The publication of Bachofen's *Das Mutterrecht* in 1861 and Spencer's study of *Domestic Institutions* contained in his *Principles of Sociology*[1] stimulated increasing interest in both the evolutionary and the practical aspects of the question. In the United States the results

[1] Volume i, published 1873.

of such investigations are best seen in Lewis H. Morgan's *Ancient Society* (1877); in the three volumes on *Matrimonial Institutions* by George E. Howard (1904); in the series of annual reports issued since the year 1881 by Dr. Samuel W. Dike as secretary of what is now known as the National League for the Protection of the Family; and finally in the national governmental reports of 1889 and 1908–09 on *Marriage and Divorce.* These and similar studies of the family and its problems have supplied firm foundations for later investigations of this important social institution.

Furthermore, the rise of newer theories in respect to the family, such as that involved in socialistic discussions, and the changes involved in the rapid growth of urban centers with their many problems, make it evident that the family is breaking away from its semi-patriarchal basis of the last two centuries and is passing into a period of transition. These changes may to some indicate retrogression, to others they suggest the possibility of a higher and more ethical type of family. It is essential, therefore, that these changing conditions and standards should be understood, not merely out of intellectual curiosity, but for the reason that such information becomes the basis on which society may develop definite ideals of domestic standards and

a policy of improvement for existing conditions. If modifications in the family must take place, it is the part of social wisdom to keep these modifications under control, so as to eliminate evil tendencies and to strengthen what experience and reflection favor as good. It is never wise to allow important changes in social institutions to develop unheeded. Forethought and insight should characterize a high civilization, and every important modification taking place in fundamental social institutions should be subjected to the careful scrutiny of scientific students. Social causation is no longer considered to be beyond the ken of man, a fiat of fate to be accepted submissively and blindly; on the contrary, the causes of social change are comprehensible and subject to human control; and the social forces at work can be resisted, modified, or guided through scientific knowledge so as to accomplish ends desired. This scientific point of view becomes all the more necessary since on all sides, as attention becomes directed to the study of domestic problems, may be heard warnings of the decadence of family life. Sexual vices and diseases seem to be sapping the physique of the race and destroying mutual confidence and love in the domestic circle. "Race suicide" and an alarming increase in the divorce rate seem to be closely allied factors in weakening the sanctity of home ties. The

demand for the labor of women and children in poorly paid industries is ominous for racial vigor, and the crowded conditions of modern urban environment weaken the ties of kinship and make impossible the close domestic circle of homely fellowship like that depicted in Burns's *Cotter's Saturday Night.* Yet this gloomy and pessimistic outlook may itself be a harbinger of better things. In a changing social order the evil first attracts attention, but later comes a knowledge of constructive tendencies, and a comprehension of the question in all of its aspects. The essential thing is that careful attention be given to the study of existing problems with the belief that larger knowledge will result in wiser conclusions and a safer social policy.

The family historically has been and presumably will continue to be the heart and center of social life. Long before religion and the state existed at all, the domestic group flourished as the germ and nursery of all modern institutions. It may be traced far back even to the instinctive groupings of our animal ancestry, and finds even yet some of its truest exemplifications in the conjugal and parental affection displayed among the most highly developed of our distant kin, — the birds and the quadrupeds. In these humble forms of life are found many of the simple, homely virtues of domesticity, but without the

vicious accretions added by a more intelligent but an unmoral and at times immoral humanity. Though the human family in its higher grades has become nobler and finer than those of its remote kindred, yet society as a whole would even to-day be greatly improved if human parents trained their offspring for life with as much insight and devotion as higher animals use in rearing their young. The sluggard may well go to the ant to learn industry, but husbands, wives, and parents may learn many lessons of fidelity and self-sacrifice from the beasts of the field and the winged creatures of the air.

These inherited animal qualities supplied to primitive society the starting-point for human achievement. Slowly these instincts broadened through reflection into sympathy and altruism and now find their best expression in the deep love of a mother for her child — unless perchance this be eclipsed by the less instinctive but more intellectual affection of a father for his children, which religion has taken as the highest type of the love of God toward man.[1] Yet these parental feelings in their higher forms evolved but slowly among human kind, since for thousands of years the family has been struggling upwards, sloughing off from time to time some crude survival of savage conditions, though handicapped by the

[1] Ps. CIII, 13; John III, 16.

acquired vices of sexual morality and by an environment only dimly comprehended. Nevertheless, the family as an institution has moved steadily forward, developing collective helpfulness among its members and multiplying altruistic affection so as to include within the kinship a constantly widening circle of humanity. Very early in civilization was established the hearth or gathering-place of the kindred, and in the rude homes of that time developed language, the industrial arts, and the ability to domesticate animals and to cultivate the soil. By reflection also came beliefs in the supernatural, a recognition of the sanctity of custom, and the growth of a civic unity safeguarding life and property. Gradually all that made life worth living centered in the home and the kin, so that an outlawed, homeless man was abject in his misery — a man without kin, country, or gods, against whom the hand of every other man was raised. Religion, in its attempts to attract men, has alternately pictured the other world as a paradise, an elysian field, a heavenly city, or a valhalla of feasting and battle, but a belief in immortality never proved attractive to the average man until heaven was depicted as a country of homes for reunited kin, since by common experience home and family ties have come to represent the highest form of human happiness,

well worthy of being translated from an earthly to a celestial habitation.

Since modern social students emphasize the importance of the family as the starting-point or unit of society, it is necessary to understand the point of view from which the study of its development and its problems should be carried on. The family in its history has run through the entire gamut of human experience. It has been and is yet a group of economic workers engaged in the production and consumption of goods. From the standpoint of the state the family's chief function was once considered to be the payment of taxes and the production of men capable of serving in the army. Religion has emphasized it as a group organized for worship and for religious instruction, and social utopians of all sorts regularly desire to dissolve or to reorganize it in accord with some preconceived theory of the family's place in a perfect social scheme. But one-sided or visionary speculations have had their day and henceforth the study of the family is becoming sociological in kind, since this science aims to synthesize whatever knowledge may prove useful in attempts to further social progress. Since the end of the nineteenth century it is becoming increasingly evident that the family must not be considered as a mere economic tool for the production of goods, nor

its members mere hands in the labor market for sale to the highest bidder; nor is the family to be narrowly interpreted as a sort of annex to either church or state. From the social standpoint the family is more fundamental than any other aspect of social life and should not be subordinated to any of them except as they clearly voice the higher aspirations of society. The family is socially fundamental because from it must come each succeeding generation, and hence no other social institution should exploit it to the detriment of society as a whole. Society must, as a sacred trust, maintain a high type of family life for the sake of social progress and must safeguard it against the aggressions of other institutions which aim to subordinate the family to their own peculiar interests. From such a viewpoint the study of the family as a social institution naturally falls to the lot of sociology, which, using the scientific methods of observation and comparison, adds the knowledge that comes from the study of the evolution of the family as an institution, and its proper relationship to the other great fields of social activity. Sociology in its study should show the biological and psychological bases for the family, how its energies may be more wisely directed, and how the conditions that retard or expedite its further development may be utilized for social progress.

Within the family of higher civilization should be in germ those potentialities that under favoring environment should blossom and ripen into work and play, love and patriotism, aspiration and reverence, so that each member of it may take his place in the economic, civic, and cultural life of his time, not merely as a cog in some specialized field of human activity, but rather as a sort of microcosm in which is implicit the macrocosm about it, for the individual within the family, like the family itself, should center within his own soul the possibilities of the whole of life. The family with its members should be in very truth an economic band, a body politic, a nursery for religious aspiration, a school for the broader life of the world, and a home of coöperative activity. In being so, it shows itself to be the real social unit, the germ of society, the fundamental social institution on the welfare of which depends the hope of continued social progress. The twentieth century with its trend toward reorganization, recognizing that this is the true place of the family in society, has definitely taken up the study of this institution with all of its problems, and will not rest satisfied until family life is on a far higher plane in Western civilization than it has yet attained.

One obvious result from these modern studies is already manifest. As a survival from the era

of ancestor worship men have been prone t
exalt the goodness of past generations and t
idealize the men of that time by comparison wit
those of the present. Historical researches mak
it evident that, with due respect to our ancestors
there never was a past generation, taken as
whole, that could compare in quality with
modern generation. The evolutionary theory
furthermore, shows us that our best is before us
not behind us, and hence that if humanity mus
worship itself it might better worship its poster
ity in preference to its ancestry. At any rate
society is becoming much more deeply interested
in the rising than in the passing generation, i
the sense that it recognizes that the hope o
human improvement lies in the progressiv
attainments of future generations. For tha
reason just as society once fought for the right
of man and now for the rights of woman, so i
the future it will demand the rights of the child
insisting that each have the right to a vigorou
and virtuous parentage, to an intelligent educa
tion, and to a fair opportunity for the develop
ment of inherent capacities. This demand wi
be achieved, not by any Platonic schemes o
scientific human breeding on communistic lines
but by formulating wise standards and a syster
of social control such that the vicious part o
mankind may be eliminated, and the condition

environing family life so readjusted as to encourage higher standards of conjugal and parental obligations. Through scientific information imparted through education, and through the social control exerted through capable social institutions, the standards of family life can be so greatly strengthened as to make possible and probable the steady improvement of each successive generation of humanity.

CHAPTER II

THE FAMILY OF EARLY CIVILIZATION

MODERN problems in respect to the family cannot easily be understood, unless one has in mind, as a sort of background, the history of the family as an institution. Within the last fifty years a large amount of research has been given to this study, but many questions of fact are still unsettled. Rival theories, however, stimulate further research, so that ultimately there should result a scientific consensus of opinion, at least in respect to fundamentals, since knowledge of the family during the earliest stage of human existence must obviously remain inexact.

If mankind had developed its institutions uniformly among all races alike, as some theorists too easily assume, the problem would be fairly simple. But if environmental conditions play so large a part in determining development as modern theories would assert, then the widely differing physical conditions environing human races must have produced different kinds of development in different parts of the earth. Some notions of conditions in those early centu-

ries may by analogy be obtained from a study of the family as it exists among higher forms of animal life, as well as from existing customs among the simpler civilized races of the earth and from survivals or "social vestiges" of ancient systems found among more advanced races. Such investigations as these, but covering the whole field of early civilization, have been vigorously pursued by many special sciences, and their united conclusions now form a fairly safe basis on which may be constructed the history of society. These sciences[1] make it clear that human society, with its social institutions, develops in accord with the principle of causation and that a generalized explanation of the development of these institutions can be given, based on what seem to be the conclusions most generally accepted. In presenting the results of such studies in respect to the family, no attempt will be made to give a complete outline of development, but rather to indicate the main stages of domestic history, so far as they seem to have bearing on present-day problems. In the light of such an explanation one may comprehend far more clearly the reasons for present difficulties in respect to the modern transitional family, and yet see a scientific basis for the hope that domes-

[1] As, for example, Anthropology, Ethnology, and kindred sciences.

tic institutions are progressing, not retrogressing, and may at the same time get a glimpse of the possibility of systematically furthering this progress by freeing society from handicaps inherited from previous ages.

Yet it may be well to emphasize at the outset an obvious truth frequently forgotten, namely, that standards and teachings, right and proper in one age under set conditions, may seem to another age entirely wrong and improper. There is a sort of relativity of truth that an historical student must keep in mind. If certain standards are socially more useful under given conditions than other standards ideally higher, the lower standards are socially better than the higher. If, however, the given conditions should improve, then the lower standards become a handicap, and higher standards become right. In past ages, for instance, conditions have been such that low ideals of marriage and crude standards of sex morality were socially more useful than higher standards, and hence in these days are not so much to be condemned as to be understood. Even in modern civilization conditions are such that compliance with an ideal standard of a permanent monogamous marriage is difficult for many persons. There are in consequence many forms of illegal marriages and sex perversions, too often condoned by average public opinion.

Such problems can only be handled effectively by raising economic and educational standards as the basal condition for improvement in the quality of sex morality.

In primitive civilization,[1] therefore, one must not expect to find the high idealism of races advanced in domestic morals. The age to a large degree was unmoral, human beings followed their natural instincts, and had not yet partaken of the fruit of the tree of knowledge so as to know good and evil. Even in later centuries when some knowledge of right and wrong had come to them through intellectual development, it should be remembered that the customs and standards used and enforced by them represented their mature conclusions, and therefore they should be respected as such even though to us the reasoning seems crude and the people immoral in their practices. The sex standards of modern civilization are superior to those of even the highest standards of ancient centuries. Yet in future ages they will presumably seem low and debasing according to the standards of that time. With this preliminary caution the probable status of the domestic institution in primitive civilization may now be summarized.

[1] *Primitive* is often used in two senses: (1) as referring to the earliest stage of human existence, information in regard to which is largely speculative, and (2) any civilization whatsoever preceding the patriarchal stage.

The term "marriage" should not be applied to temporary sexual intercourse between male and female, for it implies a somewhat durable connection based on mutual needs, the most fundamental of which, historically speaking, are sexual and economic. In primitive marriage when man was just emerging from animal conditions, there was of course no ceremonial form nor set standard of sex morality. At natural seasons, when food supplies became abundant, the male wooed and the female made choice from among her suitors. In this way was formed a sort of companionship, a copartnership to the success of which both alike contributed. Possession, wont, and natural inertia tended to make the connection fairly durable, so that monogamy probably prevailed, though the conditions of life were too precarious to insure a lifelong connection, and marriage may have lasted no longer than during the immaturity of the offspring. Again, it is probable that sexual passion was not so strongly developed then as now. The differentiation of the sexes was not so pronounced and the conditions of existence made food-getting and safety from enemies the absorbing topics of the mind. Sexual indulgence was so secondary that the passions even had at times to be stimulated by feastings and lascivious dancing. Marriage tended to become durable because of mutual

companionship, the protection afforded the female in her times of weakness, and the economic advantage derived from their respective shares in food-getting. The male procured flesh foods through hunting and later through war; the female became expert in the selection of edible vegetation and in devising means of shelter as a home for her children. Maternal love was instinctive and probably lasted only until the young were able to care for themselves. The male presumably had no comprehension of the significance of procreation, since that knowledge came only after long reflection. When children were born the male instinctively guarded the little band against attack and furnished foods for the common use. His interest in the children was secondary; primarily he hunted and fought for her, not for them. In fact, she had not infrequently to guard them against his hostile attacks arising through jealousy, and not the least of her tasks was the necessity of sufficiently domesticating him so that he would respect the hearth as a sanctuary. In some such way as this, in the "golden age" of human existence developed the earliest form of human family. Language, invention, religion, and social intercourse were all in their beginnings. Intellect had not developed sufficiently to give man more than a faint knowledge of right or wrong, and mental energy was

devoting itself to food-getting, warding against enemies, and to the rudiments of domesticity.

The change from this earlier primitive period came when a steadily increasing population faced the problem of a relatively decreasing food supply. The struggles for survival under such conditions slowly brought about profound modifications in the family through the rise of newer organizations. The hunting-pack or band developed so as to obtain flesh foods more easily by combination. This band in case of necessity readily became a war-band, for warring was merely an additional method of adding to food supplies by taking possession of the hunting-grounds of rival bands or by using the bodies of slain enemies as food, a natural and proper custom in savagery. As a warrior the male developed a fiercer and crueler disposition, while women became less free and more passive, being confined to the inner circle through additional labors and external dangers. Hunting and war also developed greater ingenuity in the invention of weapons, since these often determined survival. Hunting-bands relying upon their weapons would often under the pressure of scarcity migrate far and wide in search of better hunting-grounds or safer homes. Women in their turn, under the stimulus of hunger, their own and their children's, hit on the devices of domesticating

animals for food supplies and of occasionally cultivating the ground for the sake of vegetable foods. Each of these great discoveries later ushered in new eras of civilization when men were forced to rely as their chief sustenance either on their domesticated flocks and herds or on edible grains, fruits, and herbs laboriously cultivated through manual toil and rude implements.

Such changing economic conditions necessitated changes in domestic institutions. As the work of civilization began to multiply, a large share of its burdens devolved on the woman. The art of cooking had developed, implements for this purpose had to be invented, ornamentation and clothing demanded labor in preparation, and the period of childhood was prolonging so as to allow more time for training in customs, traditions, and vocations. Group life at the same time tended to become somewhat artificial, and systems of social control began to compel conformity to custom and to punish infractions of it. Natural leaders came to the front, and devised the tabu — in general, a series of prohibitions against doing what was thought to be socially harmful. Primitive reasoning was not always logical and its conclusions were sometimes perverted for selfish purposes, so that moral standards became confused. Men could no longer rely on their instinct to decide rightly, but had to

know the law, which so often seemed contrary to instinct. Such changes as these were reflected in the family, which became henceforth a more artificial institution than that founded on natural instinct.

For human beings began to organize themselves into kinship bands, basing relationship on the natural kinship of mother and child. Obviously the child was born from its mother and was related to her and to other children born from her. The mother of course would also be related to the children of her daughters and granddaughters. By emphasizing in this way kinship and by tracing descent from a common mother there developed the metronymic[1] group in which kinship is maternal, and paternal relationships are ignored, being at that time unknown. This metronymic kinship resulted in a new form of marriage. For since brothers and sisters reared together in the same household do not as a rule feel sexual promptings towards one another, they naturally tend to marry outside of their own group. That is, they became exogamous, not endogamous. Under such conditions two neighboring and friendly groups might easily become marriage groups to each other, the males from one marrying the females of the other. As the children of the female belonged

[1] Mother-name.

to her kin, not to the husband's, it was natural that she remain under the protection of her kin and that the husband be looked on as a sort of outsider. Hence the lawful protectors of a child were its mother's kindred, not its father, who had small place in the system. In this manner the natural family of earlier days was superseded by one in which a father as such had no place in his marriage family, and if admitted within the home had a somewhat subordinate position. Like some modern husbands, he would lodge at his wife's house and was expected to contribute generously towards its maintenance, but was not expected to have much voice in the management of the household. Hence there developed the custom of demanding services or gifts from a would-be husband, who might be unceremoniously dismissed if his labor proved unsatisfactory or other suitors came with richer gifts. Under this system monogamy still prevailed, but as divorce depended on mere whim, marriage must often have resembled more a system of prostitution, which in fact traces its beginnings to this period. Yet the females still had large freedom in the choice of suitors and wooing on the part of the males was still necessary, so that a fair degree of equality was maintained between the sexes. Furthermore the household had become firmly established, kinship bonds were broadening, the

connection between mother and child was becoming more permanent, and formal instruction in traditions was regularly imparted by the elders to the youth at adolescence, when lengthy initiatory rites signalized their entrance into maturity.

This type of metronymic family flourished best when the struggle for existence was not too strenuous and the kindred in consequence felt competent to supply all of its members with food. Under harsher conditions the lot of women was less happy, children in excess became a burden and were put to death along with the aged and the inefficient. Infanticide, especially of females, developed; excessive toil and cruel treatment became women's lot; and suitors who would take to their own homes their wives might be required to pay merely nominal gifts or might even be given dowries with the brides out of the property of the kinship. Clearly conditions in such social groups had become different; the family was still metronymic, the child still in theory a member of its mother's kindred and under their protection; but in actual fact it was under its father's roof, protected by his kin, and the father had become a more important person in the household than his wife. In other words, the family was ceasing to be metronymic and was becoming patronymic.[1]

[1] Father-name.

CHAPTER III

THE PATRIARCHAL OR PATRONYMIC FAMILY

SOCIETY, in passing from a metronymic to a patronymic social organization, was deeply influenced by the economic struggle for foods. In the earlier period humanity existed on what nature spontaneously furnished, and progress consisted in securing foods through increasing cunning and invention. In the transition to the later period there was a fierce struggle for existence, finally changing to a more peaceful civilization as man acquired the art of multiplying foods through domestication of animals and then through agriculture.

In the transitional period human savagery had full expression. Ruthless wars of extermination and cannibalism marked the period and surplus population within the group was put to death. Social regulations placed a ban on the marriage of young men, resulting in polyandry,[1] prostitution, and in polygyny[2] among the older powerful

[1] A marriage system in which a female has several husbands.

[2] A marriage system in which a male has several wives.

chiefs. Women began to lose their importance in the social order and to become subordinated to the males. This pressure of population on food supplies might easily have become more severe, social regulations far more rigorous, and cruelty more terrible, had not civilization taken the decisive step that ushered in patriarchal civilization. The principle that brought about this social "mutation" was the intrusion of intellectual guidance over nature in its production of foods. When man had become familiar with a reasonable explanation of fatherhood and birth, it was but a step, though a long one, to apply this knowledge to the more rapid multiplication of animals, suitable for foods, by selecting and taming species capable of domestication. Henceforth man, in place of relying on natural production, gorging in one season, starving in another, was able to store his food supply into flocks and herds, thereby securing a constant and abundant source of flesh and milk.

Under these new conditions courage and vigor were in demand, since the race had of necessity to be brave in the defense of its wealth and aggressive against robber bands and carnivorous beasts. The inert and the cowardly were killed, or as slaves received life in return for labor. In this way developed a breed of masterly men who loved war with its turmoil and bloodshed and

who ruled with an iron hand over slave and family alike. These dominating males, as warriors, priests, and judges, were the heads of powerful families and groups, owning slaves, flocks and herds, and wide areas of grazing-lands. To the male the wild free life of nomadism was the joyous period of human existence, but, unfortunately for him, when once again the pressure of population on foods increased, reluctantly he had to enter upon the monotonous round of agriculture with its newer and laborious occupations, so as to eke out his diminishing food supplies. Thus there came a steady encroachment of agriculture on pasturage until of necessity grain foods became "the staff of life." Yet this change had its compensations, since every man who expended labor and thought in agriculture secured grain for himself and his cattle in such abundance that famine seemed inconceivable, unless perchance nature would prove unpropitious and would fail to supply its wonted crops. Even this possibility seemed remote enough, since religion assured him of bountiful harvests, if only he were generous to the gods in gifts and sacrifices. For the period of ancestor worship had come, and a man's most familiar gods were of his own kith and kin, propitious and kindly as long as they received from him due veneration and needed offerings. Even the great divinities

of nature showered blessings upon him richly, for the secrets of the supernatural were no longer altogether hidden from human knowledge, since wise seers were at hand who knew the will of the gods and could teach him the paths whereby he might avoid their anger.

This new type of civilization brought about a corresponding modification in mentality, since the qualifications needed for the occupation of farming were quite different from those needed in grazing. The substitution also of a diet largely vegetal instead of flesh would itself have marked effects on physique and mentality. Patient endurance in toil, perseverance, forethought, and a reliance on the supernatural world about them became requisites for survival, while a more leisurely and peaceful existence gave time for reflection. Under such conditions social life assumed a stability hitherto unknown, and because it was stable it became comprehensible. Men walked in the realm of the known; rules, customs, and maxims became set, and wisdom consisted not so much in reflecting on the new as in conning over the teachings of the past, so as to fix in memory the sayings of one's ancestors.

So rapidly did population multiply under its improved conditions that the new type of civilization took possession of the habitable earth and

established itself so firmly that even now the larger half of mankind lives in a patriarchal agricultural civilization. In consequence, even down to the middle of the nineteenth century traditions of early metronymic civilization had passed from men's minds. From time immemorial the patronymic or patriarchal system had been taught through sacred books and classical instruction without a thought of a still earlier stage of civilization. Complete or partial metronymic systems exist even now among almost one fourth of the world's population, but these, when noted at all, were considered to be merely degenerations from the dominant type. The metronymic element running throughout the historical accounts in the Old Testament, and found in the early histories of practically all patriarchal races, excited no curiosity except as puzzles awaiting the solution of scholars. Only when the scientific method of comparison was applied to the study of human history did it become possible to get a truer insight into the development of the family as an institution. Through this method, however, a new world of knowledge is opening up, as it were, before the modern student of society. The present is becoming better known through a more thorough knowledge of the past, and from the basis of this larger knowledge an insight into the future becomes possible.

Yet in the general subjection of women there was a darker aspect to patriarchal civilization. There is much truth in the statement that the quality of any given civilization may be estimated from the status of its women. About one half of a population is feminine and it largely dictates the quality of home life enjoyed by the males and the kind of education imparted to the next generation. In that fierce transition from metronymic conditions to nomadism when the principle of *væ victis* was the only war code in use, marriageable women were in practice seldom slaughtered as were the males, but were enslaved as concubines of the conquerors. Plainly the children of these subordinate wives could in no sense be considered as the property of her kindred. They belonged to their mother's owner, were born under his roof, and were his to keep, kill, or sell at his good pleasure. Again, patriarchal civilization was characterized by the definite rise of private property, so that it was not always necessary for a man to capture his wife or wives in war. They might be purchased either in the slave market or from poorer families, who would be glad to receive a price for a commodity the supply of which was greater than the demand. Ownership, whether through capture or purchase, made the family patronymic, not metronymic. Doubtless for many ages the

two systems existed side by side.[1] A man might have a metronymic wife whose children counted as members of her kin, and at the same time he might have several slave wives whose children would be patronymic. Yet the increasing subjection of the female worked against the former system, and the male either in fact or in form ended by buying his wife or wives, so that their children became legally his and bore his name.

Thus as long as there was a "golden age" with a simple life in the midst of abundant natural foods, the metronymic family of a monogamous type developed spontaneously; but when the struggle for survival and existence began, the metronymic system tended to break down and the comparatively free woman of the earlier period became more and more a subordinate or a slave. In place of a personal choice in marriage she was compelled to take whatever husband chance or fortune dictated. Her initiative in the household became compulsory devotion to routine within a somewhat narrow sphere. She no longer had a voice in the duration of marriage, since that depended on the whim of her husband, who could make her lot hard or easy at his will. Her duties

[1] In modern law a child born outside of legtiimate wedlock, whose father is unknown, is metronymic. The same male, therefore, may chance to be the father of a patronymic legitimate child and an illegitimate metronymic child.

were regularly so exacting that she became prematurely old and then might be supplanted in the household by a younger wife more attractive to her husband. Thus the natural love marriage of earlier civilization was yielding to one in which sensuality and sexual indulgence played an increasing part among the wealthy and powerful; the male no longer had to woo; he selected according to his own standards, and the woman was passively submissive. Yet among the masses of men monogamy survived, since the marriage basis had become largely economic and the maintenance of more than one wife became too expensive for the ordinary man. Women were therefore chosen on the basis of their economic capacity, and the more capable were selected as wives; the others were either sold by their parents as secondary wives to the wealthy, or else became prostitutes and earned in that fashion a precarious living.

The status of women of native stock was of course made worse by the incoming of women of foreign birth through slavery. There is no more pernicious influence in its effects on domestic standards than the enslavement of females. Racial progress largely depends on a free mutual choice in marriage; but the slavery of women thwarts this by making her submissive to any master who will pay her price in the market.

Under such a system, with its inevitable sexual excesses, a slave woman had no rights that a free man was bound to respect, so that a polygynous system is at war with the best instincts of woman. It degrades most of the wives to a position of servility, and it results in offspring poorly equipped by birth and training for the larger affairs of life. Then, too, sexualism[1] becomes rampant among males, since they live constantly in an atmosphere surcharged with sexual suggestion and under conditions rife with licentiousness, enervation, and disease. Presumably races possessed of great hordes of slaves may acquire wealth for a time through their labor, but ultimately they pay the price in racial exhaustion and national degeneracy.

Yet in patriarchal civilization, wherever marriage was monogamous, as it was of necessity among the poor who lived a simple and frugal life, a woman's lot was not necessarily unbearable, for her evident utility and natural capacity would make her status approximate to that of her husband. As a matter of fact, in any polygamous society by far the largest part of the population will be monogamous through poverty.[2] In these

[1] A word used to emphasize the vicious aspects of sexuality; suggested to the writer by the Hon. T. W. Bicknell of Providence.

[2] Howard, vol. I, p. 142; over ninety-five per cent.

families there might naturally be expected a fair amount of equality between husband and wife, since they live and work together and have their children under joint care and protection. Still, if the woman is inferior by law and custom and if sexualism is general through slavery, then her position as wife and mother becomes very insecure, for divorce is an ever present possibility. A population made up largely of slaves, a privileged class monopolizing wealth, and a public opinion convinced of the essential inferiority of the female sex, are social conditions that slowly sap the energy of a race and retard the upward course of its domestic standards.

In conclusion, it may be said that the broad term "patriarchal civilization" includes many varieties of this most important stage of social development. Each set of conditions would present its own modification of the generalized type. When nomadism prevailed, and pastoral rather than agricultural occupations, the familial institution would retain many survivals of metronymic conditions. The height of patriarchal supremacy came in the stage when men settled down into fixed abodes and gained their livelihood from their arable lands, but throughout the entire period the family was in general patronymic, the male sex dominated, women and children were subordinated to the head of the

family, and the real center of social life was the family, to which were united ancestral religious rites and civic responsibilities in respect to life and death. For some races a still later stage of civilization developed when the rural occupations of grazing and farming became subordinate to the urban vocations involved in commerce and manufactures; but this period marks the decline of patriarchal and the rise of modern civilization. The patriarchal family,[1] therefore, is of primary importance, not only because it is the type numerically prevailing throughout the

[1] There are many excellent studies of the numerous races of patriarchal civilization and from these a few may be mentioned as typical, though full biographical lists may be found in the first volume of Howard's *Matrimonial Institutions*.

Morgan's *Ancient Society* is one of the most famous of these works, tracing the development of the family and comparing, as it does, the family of the Iroquois Indians of New York with the families of classical Greece and Rome. The social institutions of these last two races are explained also by Fustel de Coulanges in his *Ancient City*, in which especial attention is paid to a study of ancestor worship. Robertson Smith, in his *Kinship and Marriage of Early Arabia*, discusses the metronymic survivals in the family organization of Arabian nomadic tribes; Louis Wallis, in his *Sociological Study of the Bible*, explains in a similar way the development of the ancient Hebraic family; Keller, in his *Homeric Society*, and Gummere, in *Germanic Origins*, present sociological studies of the institutions of those semi-patriarchal tribes, and Hearn, in his *Aryan Household*, sets forth a somewhat idealized study of our hypothetical distant ancestors.

earth, but because in the main the family of Western civilization is a modification of it. These modifications are, however, so important that a new and possibly higher type of family may be said to be in process of formation.

CHAPTER IV

THE RISE OF THE MODERN FAMILY

THE natural or physical basis of marriage is, of course, permanent. As long as humanity exists on the earth, the fundamental feelings of hunger and love will energize human action. Under purely natural conditions these feelings may be relied on for the accomplishment of a certain degree of social progress, but in the growth in civilization man devised in the interest of order a series of regulations over human activities. These might be based not only on errors in judgment through imperfect reasoning, but even might be intentionally partial in favor of a privileged individual, or a class, or one ambitious institution as against another. By long experience mankind has learned that, on the whole, marriage and its related interests might better be left for regulation to the families and individuals most directly concerned, in preference to undue regulation by other institutions.

Throughout patriarchal civilization it will be found, for example, that as a rule marriage is under the control of the families interested, with

a minimum of regulation or suggestion from state or church. The state may wish to understand clearly who are of legal birth and who are entitled to inherit property, but the customs regulating these are *grown*, not created by legislation, and are based on the practices and decisions of family groups and councils. Religion, also, with its deep interest in the continuance of ancestral worship, may countenance and bless marriages sanctioned by custom, but by its approval would add nothing to the validity of the marriage. Yet with the passing of patriarchal customs, Western civilization has tended to regulate marriage somewhat more in detail, since modern families do not have the stability or the authority exercised in earlier centuries, and since individuals, under the pressure of their own interests and passions, are not always reliable judges of what is socially right or wrong. This larger field of social control fell to the lot of church and state, sometimes coöperating as friendly institutions, at other times rivaling each other in a struggle for supremacy. Both state and church in the course of centuries have tried many experiments in regulation, and the results have not been altogether satisfactory. This statement may become more clear by tracing the trend of social regulation in respect to the family of Western civilization.

This family, though influenced somewhat by Hebraic and Greek teachings, is fundamentally based on Roman and Germanic standards and customs. Early Latin traditions represent that civilization as first nomadic and then agricultural. During this period is depicted a permanent monogamous family of chaste standards, solidified by ancestral worship and compact kinship ties. In the first five hundred years of Roman legal development, four forms of marriage arose, one after the other, illustrating in their varying standards the changing ideals of domestic relationship. (1) The earliest known form of marriage, the *conferreatio*, was confined to the patricians, and in the main represented a familiar patriarchal ceremonial form: it included traces of survivals of capture marriage, the procession escorting the bride to the bridegroom's home, and religious ceremonies such as her introduction to the hearth and ancestral gods of her new family. This form disappeared from common use quite early in Roman history except that it long survived as a sacred form of marriage for those families that aspired to priestly office. Among the population below the patrician rank prevailed two other forms of marriage ceremony and these in time became common among patricians also. (2) In one of these, the *coemptio*, or purchase form, the parties concerned, in the pre-

sence of a magistrate and witnesses, went through the form of a sale of the bride to the groom, a survival, doubtless, of an earlier practice of a real purchase. In this form, which also became obsolete somewhat early, the state is present in the magistrate, who, however, acts merely as a recorder of sale and purchase and had no other authority over the marriage. (3) A still more popular form existed in the *usus*, in which the law assumed that a legal marriage existed after cohabitation as man and wife for the space of one year. Under these three forms of marriage the wife came to be directly under the power and authority of her husband (*in manu viri*). Divorce was possible but was rarely used in the first form, though more common under the other two. The power of divorce lay with the husband, though he was guided in his decision by a family council composed of relatives of both parties. Whatever dowry he received with his wife was generally returned at divorce, a real deterrent unless, as in Cicero's case, the husband had in view another prospective wife with a larger dowry. (4) At an uncertain date, but about the time when Rome definitely embarked on a policy of territorial extension beyond Italy through conquest, a new form of marriage [1] arose which soon became and remained the dominant

[1] *Matrimonium sine conventione in manum mariti.*

form throughout the later Republic and the Empire. Under the *usus* marriage, a wife, by absenting herself for three consecutive nights from the bed of her husband, continued to be his wife, but did not pass under his legal authority, remaining under the authority of her own family. This fourth form of marriage consisted in a *usus* marriage in which the privilege of the *trinoctium* had not been used, but yet the wife legally did not become subject to her husband. This became, therefore, a marriage contracted at the will of the parties directly concerned, in which both man and wife were equal partners, since the wife was legally independent of her husband, and remained under the authority of her own family or guardian. These last three forms of marriage were perfectly legal and respectable; in each case there was a formal betrothal; but by slow change of custom the wife gradually became a free person equal in the eyes of the law to her husband, and marriage was a mutual private contract needing no authorization from either priest or magistrate.

This modification in marriage forms typifies changes that had taken place in the domestic institution as a whole. In the early Roman system the patronymic-patriarchal idea had been carried to an extreme. The *pater* was the ruling head of his *familia*, which consisted of wife, child-

ren, dependents, or clients and slaves. His authority (*patria potestas*) was supreme throughout his entire life, though in important matters affecting the family as a whole he would consult with a council selected from his *gens* or kindred outside of his own *familia*. Relationship was agnatic, that is, traced through males only, even a wife being legally classed as her husband's daughter. But, as may be traced in the changing legal customs of the citizenship body, this highly artificial system became slowly modified into one much more natural and flexible. Without tracing details, the trend was in the direction of subjecting to some extent the family to the state through the introduction of general regulations: rights were secured to children and even to slaves as against the arbitrary power of the father and master; kinship was broadened so as to include cognates as well as agnates, that is kinship was traced through both parents; and the wife was secured in her personal and property rights through the legal recognition of the fourth form of marriage.

On the other hand, as long as Roman life remained simple and purely patriarchal, emphasizing as ideals devotion to ancestral gods, to one's kin, and to the *civitas* or state, moral standards remained high and family life though stern was just, a sort of Roman puritanism. But when

Rome embarked on a career of conquest, a rapid and demoralizing change took place. The sturdy farming stock of early Rome was soon depleted in numerous wars, plebeians and even freedmen began to acquire the rights of citizenship, slaves poured into the Republic through conquest, and soon ancient standards of morals had become largely a tradition. Ancestral worship and kinship ties became mere forms as adoption became usual, and Oriental worship with its many lascivious rites crept in and supplanted in popular regard Roman divinities. Slavery, also, with its inevitable concubinage and prostitution, furnished every facility for sexual immorality and profligacy. The rural population, unable to compete with slave labor, drifted to the cities, too often into the slums. Economic occupations in trade and manufactures were largely monopolized by men of alien stock, since such vocations were not considered as honorable pursuits for citizens. The state, enriched by wealth plundered from the provinces or won as booty from the conquered, developed a citizenship of two classes: a wealthy class, with its mass of parasites, rioting in luxury, and a demoralized proletariat living largely on public bounty.

Urban life to a large extent became degenerate; presumably in the survivals of middle-class life and in rural sections of the Empire a fair degree

of family purity and of moral standards was maintained, but little is known of these by contrast with the glaring sins of the perverted degenerates of the time. There is a "yellow" literature as well as a "yellow journalism," and from it one learns much of national corruption, but little of the solid virtues existing by its side. A similar statement would be true in respect to the morality of Roman women. These in the earlier centuries had been famous for their virtue and devotion to family and country. It was fitting, therefore, that a woman should have equal rights in the marriage relation for her own sake and for the sake of her children. These were won through the introduction of the contract marriage already mentioned, which allowed her an equal voice in marriage and divorce and rights over her own property and children. Yet in times of profligacy woman's freedom easily became the means whereby she might "count her years by the number of husbands she had had." On the other hand, husbands had had the same right of divorce for centuries and had often exercised it. In any case, under the immoral conditions of the time it was perhaps a matter of small consequence whether adultery and fornication took place illegally or through a system of annual divorces. The rights won by women were necessary and proper; the times were what they were, not be-

cause of the existence of these rights, but because of the demoralization wrought through the introduction of unearned wealth and slavery. Rome had built up moral and religious standards suited to a patriarchal civilization, which had suddenly changed through conquest into a civilization based on plunder supplemented by commerce and manufactures, and contaminated by Oriental vice. No moral standards suited to the new conditions were established; the old became less and less applicable in detail, and finally every man did what seemed right in his own eyes, guided somewhat in higher morals by traditions of ancient standards and by the teachings of Greek philosophers in the forms of Epicureanism and Stoicism. Western civilization was succumbing to the flood tides of sexual depravity, and the Roman race had become a mongrel stock, enervated and effeminate, awaiting decay or extermination.

Standards of law and of political imperialistic administration formed the best contribution made by Rome to modern civilization. Racial strength came not from Rome but for the most part from those Keltic, Gallic, and Germanic tribes whose names are so interwoven with Roman history. The Germans were the most warlike among these, being still largely in the hunting-pastoral stage. The others had advanced

farther in civilization and were settled into definite communities engaged in grazing and farming. As might be expected in that simple life, the monogamous family prevailed; the women, though subordinated to the males, yet had large freedom and influence and had a distinct voice in the choice of husbands; marriage was performed with set rites under the fiction of a sale by the father or guardian to the husband. Writers have noted many survivals of metronymic, group and capture marriages, but fundamentally the family was patronymic and mildly patriarchal. As always in early civilization, marriage contracts concerned the family only; neither state nor religion had any voice in the matter. Magistrates might be present to honor, and priests to bless, but the sanction of the marriage lay in the agreement and will of the families and individuals concerned. Chastity was demanded from the woman and adultery punished with death, though this crime on the part of the man might be atoned for by a fine. Aside from adultery he had his own standard of sex morality, a much lower one than that allowed to women. Divorce was in his hands and any cause satisfactory to him was sufficient, though he naturally had to take into account the vengeance of his wife's kin if she were wantonly divorced. There was no peculiar innate virtue in these

races. Under similar conditions all over the world might be expected a family of similar moral standards. Tribes and clans of kindred blood, fairly equal in social standing and living a strenuous life in the midst of constant danger, naturally develop monogamous families in which each person has regard for the rights of his friends and kinsmen, and no one has wealth and leisure enough to make sexual excesses an end in life. The danger comes when through successful war plundered wealth frees men from irksome toil, captured women become concubines, and subjugated races furnish numerous opportunities for slavery and unbridled lust. Under such conditions men readily become demoralized and their immoralities pass by social contagion to the women of the community. It goes without argument presumably that the women of a race never become loose and wanton until after the men have set them the example. In fact, it is becoming increasingly difficult in modern days to demand with a good face that women shall remain virtuous whose husbands are not, so that the alternative is presented of allowing a single standard of low grade in sex morality for both sexes alike, or of insisting on a single standard of high grade for male as for female. The former alternative spells degradation for the race, and the latter the attainment of a much higher morality than at present exists.

These barbarian races by contact with Roman civilization experienced the vicissitudes of changing moral standards. When conquered they were subjected to all the cruelties involved in Roman massacre and slavery; when conquerors, at the overthrow of the Roman Empire, they came in contact with a degenerate and depraved people and their morality was not helped thereby. For centuries a conflict of moral standards and civilizations was silently fought, and from it finally emerged the modern European nations, neither so vicious as the Romans nor so virtuous as the barbarians, but containing in their civilization a generous admixture of both elements. The problem from that time forth was to raise the standards of domestic morals and to that task religion and democracy were addressing themselves.

CHAPTER V

THE FAMILY AND RELIGION

In primitive civilization religion had been a composite of many elements. On all sides were mysterious and malevolent beings who must be propitiated and at the best would dole out niggard blessings. By magic, offerings, and sacrifice, by due rites and ceremony, much might be done to ward off evil, but misery even so was surer than happiness, for the gods were many and hostile to man; and it was largely luck or fate that determined the affairs of life, since the gods were often at variance one with another. Yet there arose slowly in men's minds thoughts of a permanent element in the supernatural. They began to exalt among the gods those energies in nature that seemed to them uniformly powerful; the heavens, the sun and moon, the storm and the fire, especially appealed to them, and these they personified and exalted above other gods.

There was, however, one fascinating problem quite incomprehensible that made religion to everyone a heartfelt experience — the problem of life and birth and death. With childlike curi-

osity they asked how life began in man, and in the animal and plant world around them. They thought out theories of human origin, and, long before Darwin, asserted that man sprung from beasts, through supernatural agency, and hence arose the worship of the totem as emblematic of one's remote ancestors. But when the male's part in procreation became known, worship was gradually transferred from the totem to male ancestry, since it was then believed that the male was the really important agent in parenthood, the female being merely the temporary carrier and sustainer of the life imparted. But there were still other mysteries demanding explanation; the meaning of life itself, the attraction existing between the sexes, and yet the necessity of subordinating the passion of love to demands made by the group in regulation of marriage. In seeking to answer these problems there developed throughout advancing civilization a worship of the creative principle, symbolized often by the phallus, but frequently personified in some god or goddess of love. The excesses generated in this worship found an opposing principle in the worship of a goddess of marriage, who protected the normal and socially sanctioned form of love as against the growing licentiousness of phallic worship. Thus arose definitely the antagonism between sexual practices irrespect-

ive of social consequences, and a sex morality devised fundamentally for the protection of society.

Such beliefs as these passed into patriarchal civilization and became the basis for the highest type of religion known to man before the birth of Christ. Ancestor worship welded into one system beliefs in the great divinities of nature, in the existence of one's ancestors as propitious spirits, in a universal life and in the inspiration of love, hallowed for ends sanctified by social and divine command. Thus religion became a really helpful stimulus to man, who performed his daily tasks with the belief that kindly beings environed him, ready to help and bless those who reverenced the gods and did right among men. For a man believed that if he did his part the gods would give seedtime and harvest, increase of flocks and herds, children to care for his old age and a long life full of tangible blessings. Such a definite religion, so exact in its demands and recompenses, was especially helpful to family organization, since it was rooted in the very life and hearth of the kinship. Back of the head of the family was a long line of ancestry whom he sustained by offerings and worship, and who sustained him and his family in the vicissitudes of life. He believed that he himself at death would join them to watch over his descendants in turn, and there-

fore it became his obligation and privilege to marry in due form, to become the father of sons and daughters, and to instruct his heir in the religious traditions of the family in order that at his death the rites and ceremonies of ancestral worship might be continued for another generation. Obviously there was a certain social advantage in a religious system that made it the interest of every responsible man to marry in legal marriage and to become the parent of many sons and daughters. It was an ancient system of eugenics and is in marked contrast to the system of "race suicide" prevalent among the socially higher classes of *advanced* civilization.

These religious teachings also had a steadying influence on the family as a whole. The notion of kinship was considerably broadened. To the metronymic kinship was added the patronymic, and systems of adoption had developed, thus countenancing a fictitious as well as a blood kinship. Men's memories grew stronger and retained more of the past; and by tradition each family saw itself related to its neighbors and forming a link in the chain of a long line of ancestry, which extended backwards into hoary antiquity and forwards by faith until a man saw his seed as the dust of the earth for multitude.[1] Under such conditions the individual loomed small in com-

[1] Gen. XIII, 16.

parison with his family or clan or tribe, and yet he had his place as an essential part in the system. Within this family organization each child was born under authority, each as he attained maturity entered manhood with a feeling of responsibility, and unconsciously imbibed throughout his entire life feelings of reverence for the past and reliance on the good will of his kindred, his ancestors, and the gods. Such a system had a steadying influence on the youth, and developed, as in early Rome, a high type of manly endurance and courage. Every man lived surrounded by the stalwart spirits of his ancestors, who rejoiced in his success and welcomed him at death to their companionship. As a religious and domestic system it has proved a success to many races past and present and has contributed to the modern family a large share of its best qualities.

The time came, however, when faith grew weak in the divinities of nature and in the efficacy of ancestral worship, as static civilizations disintegrated through wars and commerce and dreams of world-empire came to the front through Macedon and Rome. With world-empires came thoughts of world-religions, and among these Christianity gained a foothold in the countries bordering on the Mediterranean. As it gained ground it sought to apply its teachings to the

morals and institutions of its time and in this way exercised a deep influence over the family.

It is hard to estimate with any exactness or fairness the influence of Christianity on the family. It is not uncommon for churchmen to assume that whatever good there is in the modern family came from the teachings of Christianity, though it might, on the other hand, be stoutly maintained that the church's attitude toward marriage and celibacy and its attempts to regulate marriage and divorce have distinctly handicapped social progress. Social progress is not the work of religion only, since it involves the coöperative activity of all social institutions working harmoniously for common ends. From the sociological standpoint the mere teaching or preaching of great principles makes little or no impression on most persons, unless they are living under conditions favorable to such principles. Adaptation to environment is a fundamental for survival and this applies to ideals as well as to organisms. When, therefore, the idealism of Christianity came into Western civilization it attracted many men's minds by its purity and won their formal consent and adherence, but the conditions of social life were radically opposed to a religion of so high a grade. Here and there the influence of the new religion was powerful enough to revolutionize men's lives and

to purify the environment about them, but no such revolutionary change affected the whole of the Roman Empire so that perforce Christian practices became adapted to the environment and thereby became merely a modified paganism.

Christianity originating in Judea should naturally have included within it some elements from the Jewish family, but this influence is barely discernible. In fact, the Jews had been conquered so often and Judea was so closely in contact with its Oriental neighbors that its family life was not unlike that of these nations. The land was poor and lacking in natural resources, its religion was formal and its best aspects were known only to the learned. The family was patriarchal in type and monogamous in form; but divorce, a male's privilege, was common; harlotry was widespread and women in general estimation were considered to be inferior to men. Conditions on the whole were neither better nor worse than in countries near by, but there was little in family life worthy of being set up as a model for a higher civilization. Moreover, Christianity did not long remain under Jewish influences. Through the labors of Paul and of Greek converts Christianity came in contact with a world-civilization and was profoundly influenced by it. Its teachings soon brought it in conflict with the Roman state, and for centuries it had to struggle for life against

persecution. The result of this contest finally brought about an alliance between these two institutions, and soon the church and its leaders began to formulate a policy in respect to the family.

The basis of any such policy naturally was sought from the teachings of Christ and the Apostles. In these teachings are broad world-views such as that all in God's sight are equal whether male or female, that marriage should be monogamous, that the standards of chastity are binding on men as well as on women, and that marriage should be a union of two equals united in a lifelong tie through belief in a common religion. On the other hand, the possibility of divorce under the conditions of life is admitted, and in Pauline teaching woman's status in home and church is plainly inferior to man's. Then, too, there is praise of celibacy, a sort of hint that marriage is a substitute for fornication, and an implication that sexual passion is an evil in the world. This lower tone came in part through the belief in the speedy end of the world and hence the lack of a necessity for race continuance; moreover, licentious conditions about them were so vicious that the reaction against vice tended to become ascetism, which in those days emphasized the Eastern teaching that all bodily desires should be resisted as sinful. From these contra-

dictory sets of teachings it proved hard to formulate a policy, and in consequence wide differences of opinion arose among the leaders in the church. Slowly, however, from conflicting theories there was formulated a body of teachings about the family: monogamy was sanctioned and made the Christian type; marriage was declared to be a sacrament and a holy bond; marriage should be for life and no divorce granted except from bed and board; celibacy was strongly recommended and finally required from the priesthood, brotherhoods, and sisterhoods as an essential condition for a highly sanctified life; and finally a single sex standard was indorsed.

These ideals, admirable though they were and are, were impossible of enforcement. Throughout Christendom concubinage flourished alongside of a family in form monogamous; the single standard of chastity became virtually a dead letter; there was nothing about the ordinary marriage that would suggest to the onlooker that marriage was either holy or sacramental in nature; celibacy was too often a cloak for sexualism of every sort; and the lifelong duration of marriage depended very much on the wish of the man and the amount of his wealth and influence. For no teaching of the church developed in the Middle Ages more casuistry and chicanery than ecclesiastical hair-splittings about divorce.

Yet no blame really can be attached to the church for the vicious conditions of medieval civilization. The trouble was that its ideals were too far above a population emerging from Roman degeneracy and Germanic barbarism. It was good to have the ideals on record for future use, especially as they inspired an *élite* to a higher and purer life, even though they were, for a large part of the population, "pearls cast before swine." The real charge against the church should be that it suppressed knowledge and intelligence that if allowed to come to fruition would have made those ideals much more real to men. The human intellect is the agency for social progress, and the suppression of it is high treason against society and the only real heresy and atheism among men.

From the practical standpoint more important than the church's attitude toward sex idealism was its actual working policy toward the concrete family life of society. In ancestor worship there is a natural religious grouping of each family around its ancestral shrine. Every family in a sense is a local church, with a religion peculiar to itself, yet in close sympathy with kindred groups adjacent. But when ancestor worship became a mere form or died out altogether, what was there to take its place? Evidently there were several possibilities; a thoughtful man like Mar-

cus Aurelius might think out a philosophy and be well satisfied with his substitute. But the average man and his wife and children have no time to think out philosophies nor much appreciation of those already thought out. Such persons, therefore, may become indifferent to religion altogether, or they may slight family worship and devote themselves to the temples and the worship of the national gods, or they may become adherents of some new religion capable of being used in the family circle. Christianity in its beginnings showed its adaptability to human conditions by reconciling several of these possibilities. It lent itself readily for philosophizing purposes, and throughout the centuries has attracted much of the best intellect of every generation to its world-problems. It also supplanted the great gods of the heathen world and monopolized all the national temples with the worship of the one God, and at the same time took possession of the home by making it possible for a Christian family to maintain a worship among its own members for their spiritual edification.

These last two forms, however, are hard to reconcile. If a family devotes itself to temple worship, it minimizes domestic worship, and by contrast a vigorous family worship makes external worship seem to be of less importance.

Now, of these two possibilities the church has steadily emphasized the temple idea as against the family. Influenced by the glamour of a world-empire it patterned itself after the Roman Empire and sought to center the religious life of the people in the church as an organization. Religion was to become identified with rites, ceremonies, a consecrated building, and a priesthood authorized to act not only for the church universal, but also for the hierarchy established on earth. This policy, slowly worked out in detail century after century, gradually wrought a revolution in worship, since it transferred the emphasis from family worship to communal worship in which an entire parish (or clan of former times) grouped itself about a common altar with priestly fathers as leaders in the religious services. If to this theory of a centralized worship be added the body of teaching or dogma already mentioned in respect to marriage and the family, the acceptance in theory and practice of both of these by the membership would complete the process of the growth of ecclesiastical authority over the family. So radical a change, however, was the work of many centuries, and even by the end of the fourteenth century the process was not fully completed. Then came the Reformation and broke down to a large extent the toil and labor of a thousand years by substituting individual-

ism in religion in place of the social groups of the Catholic Church.

Again, in the life of an individual four events mark the crises in his natural career; his birth, puberty, marriage, and death. Through its teachings and authority in respect to baptism, confirmation, and extreme unction the church soon acquired control over the individual in three of these crises. The fourth, marriage, was a matter of much more difficulty. It must be remembered that marriage at the beginnings of Christianity was throughout Western civilization a private contract, regulated by family custom, and not controlled to any appreciable extent by either state or church. The task of bringing so important an institution as marriage under the control of the church was no easy one, but the church slowly gained ground and by the time of the Council of Trent (1545–1563 A.D.) it was virtually in possession.

The steps taken by the church during these earlier centuries may briefly be summarized as follows: The church slowly assumed canonical jurisdiction over legal questions in respect to matrimony, at first only when such cases involved questions of religious teaching, but later it secured from the state the right to adjudicate all sorts of cases in which conjugal and parental rights were involved. Again, marriage was de-

clared to be a sacrament,[1] a holy state meeting with divine approval; being a sacrament, it should be indissoluble, and hence there should be no divorce. The final step was for the church to dictate the ceremonial and to give its sanction to the marriage contract. This process began naturally in the early centuries of Christianity, since Christians in marrying were desirous of having from any elder or priest present a blessing or benediction on the marriage. By the end of the tenth century it had become usual for the bridal couple after marriage to attend a bridal mass at the church and there to receive the benediction. During the next two hundred years a special marriage ritual developed under the charge of the priest, so that a religious form was placed about the marriage contract, which, however, still derived its sanction from the will of the contracting parties and their parents. Meanwhile the banns or formal announcement of the intention of marrying, and a registration of the marriage itself on the records of the church, became more and more customary. The final step came by insisting that no marriage was valid in the eyes of the church unless performed by a priest after the ritual of the church, which alone should give sanction to marriage. In other words, the priest, after hearing the consent of the contract-

[1] Howard, vol. I, p. 332.

ing parties and their kin, joined them in marriage, pronounced them man and wife, and by this announcement the marriage became valid.

It must not be assumed, however, that from this time forth all marriages were performed in the church. The mass of the poorer part of the population continued to marry as before by private contract, shunning the expense of the ecclesiastical marriage, and such marriages, though not canonically valid, were yet legal by custom. Meanwhile, the Renaissance had come, the Reformation with its own theory of marriage and divorce was impending, democracy was in the air, and the rise of the modern state brought to the front a rival candidate for power over familial institutions.

CHAPTER VI

THE FAMILY INFLUENCED BY THE REFORMATION AND THE STATE

RELIGION to many seems so important that they speak of the Reformation of Luther's time as though it were that movement which brought about all modern progress. Yet it is well understood that from the fifteenth to the eighteenth century the entire social life of Western civilization was in process of transformation, so that the Reformation was simply the religious aspect of the Renaissance. By the beginning of the sixteenth century a European civilization had developed which was neither Roman nor Teutonic. The long struggle between the Holy Roman Empire and the Roman Catholic Church had become a memory. National states, not world-empires, occupied the thoughts of men. For a thousand years Christianity had been in the saddle, and yet the moral conditions of Christendom were not unlike the degenerate days of the Roman Republic. Religious interests had become merged into ecclesiasticism, which settled like an incubus on the "modernism" of that time. For the re-

vival of classical learning had come, the art of printing had been devised, spreading among men the knowledge of once buried treasures of thought, and science had begun to erect foundations for the work of the nineteenth century. The geographical horizon of Europe broadened so as to include the Far East, the African regions toward the South, and the New World of the West. Commerce leaped to the front, precious metals began to pour into the depleted treasuries of Europe, and inventive ingenuity turned itself towards the development of manufactures. Secular statesmen supplanted ecclesiastical leaders in government, indicating that political and economic policies demanded a different type of mind. Theories of education came into discussion, and utopias were devised showing that the dreamers of the time were seeing visions of a social reorganization. It seemed like a new era to many, for, as Campanella[1] put it, "Oh, if you knew what our astrologers say of the coming age, and of our age, that has in it more history within a hundred years than all the world had in four thousand years before! Of the wonderful invention of printing and guns, and the use of the magnet, and how it all comes of Mercury, Mars, the Moon, and the Scorpion!" All these and

[1] *The City of the Sun.* Morley's *Ideal Commonwealths*, p. 263.

many other similar movements were seething during the three centuries of this transition from the old to the new, and it is not strange, therefore, that marked changes took place in the institution of the family, involving readjustments chiefly in respect to religion and the state.

For a long time there had been a growing dissatisfaction with the church's theory of sexuality. The theory seemed plainly to imply that the feeling of sexual passion was evil in itself, thus failing to distinguish between a right passion designed for racial continuance, and the occasional perversion of it. It signified little that marriage was declared sacramental, if at the same time celibacy was exalted as a condition for high spirituality. The implication seemed to be the Pauline teaching that marriage was a lesser evil so as to avoid the greater evil of fornication. Nor, in fact, had the demand for celibacy worked well in practice, as the conditions of the times clearly showed. Conscientious and high-minded men and women, under the spur of idealism or mysticism, might seem to justify that ascetic demand, but the average person devoted to a holy life found great difficulty in complying with the requirement and wasted a large part of his working energy in fighting what after all is a natural feeling, sinful only in excess and when exerted to the detriment of individual

or social life. Then, too, the many failures to maintain vows of celibacy not simply ruined lives of possible usefulness, but reacted injuriously on religion itself and proved also to be dangerous centers of social contagion. One of the early teachings of the religious reformation, therefore, was a denial of the efficacy of celibacy as an aid to holiness, and an insistence on the essential rightness of an unperverted sexuality. As a result of this teaching, the requirement for celibacy on the part of the Protestant clergy slowly died out, and, through their disuse of the confessional, clerical control over matters involving sex morals disappeared and questions of that sort reverted to the domain of the individual and the social conscience.

Moreover, society had never taken kindly to the notion that marriage is essentially a religious institution. Throughout human history marriage had been regulated by the individuals and families concerned, aided by the consensus of public opinion, in which of course religion had its part. But the doctrine of the sacramental nature of marriage, with its implication of ecclesiastical regulation, and its corollary of an indissoluble union, as well as the publicity involved in the banns and the marriage ceremony, seemed to many like a usurpation on the part of the church. It was held that while marriage rightly

should be esteemed a holy relationship and be subject to some publicity and regulation for the sake of social well-being, yet that this control should originate from social opinion and from the state, rather than from a celibate priesthood. For such reasons the reformers rejected the sacramental nature of marriage and admitted the possibility of divorce, but preferred to transfer authority and control over these matters from the church to the state, though emphasizing the advisability of a religious ceremony in connection with marriage as a relationship approved by religion. Radical reformers, however, went farther than this and preferred to have even the ceremony civil in character, and performed before a magistrate, as under the Protectorate of Cromwell and in some of the early New England colonies. The Friends or Quakers, on the other hand, returned to the old free contract marriage of Germanic-Saxon times, making this a matter of conscience, and arguing that neither church nor state should exercise control over an institution essentially private in nature. It is obvious that when these several teachings of religious reformers, modified more or less at different times and under varying conditions, had become current among Protestant nations, a distinct change had come about in the relations of church and family. The change is essentially

similar to that connoted by the term, "separation of church and state." There was a separation of church and family, since the church no longer had the legal right to dictate to the family in marriage and divorce, nor to regulate the rights of kinship, nor to define the prohibited degrees within which marriage should not take place, nor, in short, to interfere legally in any matter whatsoever with the family in any of its aspects. In modern times churches, of course, have their teachings in respect to these matters, and may instruct their members in their duty before God in questions of marriage, divorce, and sex morals, but these teachings are binding on the conscience and involve no legal obligation whatsoever. Nor, as a matter of fact, has this substitution of moral suasion for legal compulsion worked badly in practice. Family standards and morals in Catholic and Protestant countries when compared are not unfavorable to the latter, and it would be hard to justify a claim for ecclesiastical supremacy over the family on the ground that any other possibility spells degradation in domestic morals. The medieval experiment of subjugating family to church is settled adversely, and society is now experimenting by substituting the state as the controlling agent over the family.

This change from ecclesiastical to civil con-

trol is fundamentally important, so that a brief statement of the growth of the state's jurisdiction may prove of interest. The family in its early history protected the lives and property of its own kindred by force of arms and punished at its discretion its wayward members. Slowly, however, this power of protection and the maintenance of peace was transferred to the state, though its exercise of power was carefully circumscribed by custom. If only the family or groups of families would furnish men for war, and pay needed taxes for the support of government, the state was well satisfied to protect life and property through its war power and to refrain from interference in aught else. But the history of the state is the history of a steady increase in power and function, all derived by implication from its right to protect life and property. It became interested in the age of maturity for young men, when they might be enrolled for war purposes; in kinship, so as to trace the descent of property rights; in marriage, so as to know what mutual rights and obligations existed between the adult males and females subject to it; and in children, as heirs of their kin and as a guaranty of national existence through another generation. Regulations in regard to such matters were common enough in ancient times, especially when property rights were involved. Rome before it

became Christianized had begun the process of regulating kinship, declaring what marriages should be considered legal, and even sought under the Empire to stipulate conditions under which a divorce should take place [1] and to legislate so as to encourage larger families.[2] After the downfall of the Empire the church began to assume jurisdiction over the family and by the fifteenth century had become able to dictate domestic standards, as already described. After the Reformation the state in Protestant countries began to assert control over the family: in place of the banns came a license and registration publicly announced or placed on record for general inspection; in place of a religious sanction the state authorized clergymen to perform the ceremony or else substituted for those its magistrates. Prohibited degrees, kinship, wardship over minors, and divorce all came under the jurisdiction of the state, which even undertook to set up standards in sex morals, as, for example, in the prohibition or regulation of prostitution. In assuming these powers it often took over bodily the standards already worked out by the church, but it never hesitated to change these whenever it seemed necessary. Its jurisdiction in divorce and in remarriage after divorce is an excellent

[1] In the presence of witnesses, for example.
[2] By tax exemption and bonuses.

illustration of the drift away from the ecclesiastical teaching of the indissolubility of the marriage tie. There is consequently often a real conflict of standards, since the state may authorize a marriage or announce a divorce, contrary to the teachings of the church. The church, however, can in no way interfere with the decision made by the state nor inflict any but spiritual penalties on its members who ignore its teachings. At first thought it may be said that the institution of the family has merely changed one master for another, but this is not quite true. This governmental control has gone farthest in the more democratic nations, so that the command of the state is based on public opinion, which may enlarge or decrease at will governmental control over the family. The state, in other words, has become or is becoming the mouthpiece of its citizens, and in so far as the family is concerned has become a sort of enlarged family council acting as a unit for the formulation of a code in respect to matters affecting marriage and the family.

This change from ecclesiastical to civil dominance over the family, though civil and political in its nature, is at the same time a social and a democratic movement. It is a movement away from "paternalism" toward a return to a familial and social regulation of marriage and relation-

ship. It is a drift toward a democratic theory of family as part of the larger democratic trend of the times. For democracy is not simply political; it is really social, since it is a demand that every adult be allowed to determine his own life, as far as personal determination is possible, and that he have a voice in whatever regulation is placed on his actions. Democracy, therefore, may be religious, as in freedom of worship; or economic, as in freedom in economic contracts; or familial, as in freedom to contract marriage by mutual consent; or ethical, as in freedom to decide on one's line of action in the light of his conscience; or educational, as in freedom to acquire an education. All of these rights are and ought to be subject to reasonable regulation, but they unitedly are best guaranteed to the individual when he has a ballot in his hand and thereby can aid in determining the amount and the kind of regulation to which he is to be subjected. In one sense, therefore, the teachings of the religious leaders in the Reformation were partial steps toward a larger end than any of them had in mind, and hence their teachings were temporary policies, good for their generation but by no means binding for all time. Under the conditions of those days a social revolution was bound to come, and it took at first a religious form because, if a rebellion were raised at all, it had to be against

the hierarchical ecclesiastical organization which ruled Western civilization with despotic sway. But an analysis of this revolt shows that it was not merely a struggle for religious liberty, since most men were somewhat indifferent about that, but it was rather a protest against an ecclesiastical system of economic exploitation, against an asserted supremacy over political and intellectual life, and against an autocratic dictation in respect to marriage and the family. The revolt was successful and ushered in the age of modern democracy.

CHAPTER VII

THE AMERICAN FAMILY INFLUENCED BY DEMOCRACY

THE sweep of modern democracy has deeply affected the family as well as the relations of church and state, though its influence on the several nations of Western civilization has been widely different, because of the slow progress of democracy in some parts of Europe, owing to numerous variations in the factors underlying their development. It is obvious that there can be no one type of family in all Western nations, since their economic systems are far from uniform and ecclesiastical dominance is still an important factor in many states. In Russia, the *mir* or village organization of peasants and the powerful organization of the Russian state church determine a family of complex type uniting patriarchal and Christian forms. In England by contrast urban conditions determine the type, though this is somewhat modified by the influence of the national church. In other nations there may be found a peasant population semi-

feudal in character, often illiterate, always poor, and with a type of family suited to such conditions; or by contrast there may be a free farming population on one side and an urban population on the other with its extremes of a privileged leisure class and a compacted mass of proletariat population living or barely existing in closely packed tenements and slums.

In the south of Europe the Roman Catholic Church is a powerful influence affecting the family; in the north are the several state churches of the Protestant nations, and France in the west has already taken the final step in separating church from state, thereby securing control over the family to the latter. Throughout all Europe, nevertheless, the trend of the times is steadily in the direction of democracy, even though monarchal forms be retained through inertia, and such a movement implies of necessity, under present conditions, that the family will become free from ecclesiastical authority as state and church become separate, for the interests of the state in the family are more fundamental than those of the church, and it can allow no interference on the part of a rival institution.

But these transitional stages in the relationship of state, church, and family of Europe have already quite fully matured in the United States. It is the pioneer among the nations in democracy

and in the separation of church and state. In this nation on a large scale are working out, in politics, religion, and familial life, problems that the other nations must sooner or later face. It is a leader among the nations, in the sense that it is in the van of the struggle for human progress and is experimenting in a large way with world-problems. For such a social laboratory conditions in the United States are altogether favorable. There is a boundless national domain of immense natural resources, situated in the temperate zone, and freed from the proximity of dangerous neighbors. Its territory already supports a hundred million of people; and its population, though fundamentally Teutonic, is mingled with the blood of nearly all the races of the earth. Here are being worked out on a colossal scale as in no other part of the earth, under the conditions of civil, religious, and intellectual freedom, the problems of a newer democracy, hampered by no state church or legal class distinctions and aided by a free and generous system of public education. Here flourishes as a guide to public opinion the most powerful popular press in the world, under no restraints of censorship except the libel law, and voicing freely the extremes of social opinion from anarchism to an ultra-conservatism savoring of medieval days. Its social institutions are flexible, and readjust themselves readily to

changing conditions brought about by the mingling of diverse civilizations within its borders, over which for the last fifty years have passed the greatest migratory movements of all history. These social experimentations and this process of social assimilation of varying civilizations are not of recent date, but trace back to the beginnings of settlement some three hundred years ago. The conditions of to-day were then in germ, and they merely reproduce on a larger scale and with an accelerated movement what was existent in the colonial period of national history. For that reason the United States is in modern social experience older than its contemporaries of Western civilization, and will furnish them for many a future generation through its experiments object lessons for imitation or avoidance. It is possible, therefore, to get a much clearer idea of the modern family, in its later aspects at least, from a study of the American family than from a study of the varying types prevalent throughout Western civilization as a whole. Modern democratic movements have affected it profoundly, and there is evolving in consequence a type of family which itself reacts on democracy and aids in its development. It is probable that the American family represents, notwithstanding its transitional crudities, a movement toward a higher type of family than any now existing and will

furnish the basis on which will rest the better civilization of coming centuries.

It would be hard to find much uniformity in the early practices of the American colonies and their inhabitants. In the North were the Puritans and the Separatists or Pilgrims; westward from these were the more radical religious elements of the time; in New York were the Dutch colonies of New Netherland, and to the South were the Friends of Pennsylvania, the Catholics of Maryland, and the Episcopalians and Presbyterians on the other side of the Potomac. British plebeian and patrician, Dutch, Scandinavian, and the Huguenots of France, combined with a touch of Indian and Negro blood, formed the racial admixture of the future nation. The town-centered life of New England contrasted with the expansive life of the Southern plantation and its county. The humanistic thought of the South was in contrast to the theological dogmatism of the North. The real uniformity in the situation consisted in the dominating physical and economic environment. All had to toil in the struggle for existence; forests had to be leveled, virgin land plowed and cultivated, Indians fought or placated, new diseases and famine were at their doors, and their chief reliance lay in their own unaided exertions. The settlements were for a long time poor and petty, and England paid

small attention to its insignificant offspring. Each center of population, though nominally under control by the mother country, soon developed the habit of doing quite what it pleased. If local control proved burdensome to any man, it was always possible for him to move farther west and live a life of freedom on free land. Therefore, even though the early settlers came with somewhat definite beliefs about many things, these became subject to modification so as to suit an altogether different environment from that in which they had developed. Stern laws and fixed standards were numerous enough at first, but their inadaptability to existing conditions prevented a too rigid enforcement except against the stranger, the alien, or the poor. Under such conditions all kinds of theories, whether political, religious, or familial, tended to approximate toward a common type, and this tendency was powerfully hastened by the necessity of joint action when England began to place regulations on colonies so rapidly increasing in wealth and population. In the time of the Revolution the colonists became more and more unified in spirit and thereby tended to assimilate more rapidly their social institutions through comparison and imitation. In line with this general development, the early colonists, who had brought with them many conflicting familial standards inher-

ited from varying social environments, slowly fused their varying theories of domestic organization into a common American type. This may be seen by noting the original variations in familial standards and the trend toward common standards.

The settlers of New England, strongly Protestant in religion and politics, stoutly maintained the more radical views of the Reformers. Marriage was considered a holy state, though not sacramental in nature. The father in his household was at once its master and its spiritual leader after the fashion of patriarchal times. Education for the family was a sort of necessity in order that its members might read the Bible as Protestantism demands. With a whole continent before them inviting settlement, there was a premium on population, so that early marriages and large families were the rule. There were few bachelors, still fewer spinsters, and the widowed of either sex seldom spent many months in mourning. In some colonies special taxation and severe regulation discouraged bachelors from "the selfish luxury of solitary living."[1] Civil marriage was favored with due publication, registration, and a ceremony usually performed at the home of the bride by some civil magistrate. A formal betrothal preceded the nuptials, and

[1] Howard, vol. II, p. 153.

this was so emphasized as to result often in the illegal omission of the marriage ceremony as a useless form.

This preference for a civil as against a religious ceremony traces to the radical teachings of the English and Dutch Reformers. The Jewish type of family contained in the Old Testament was also a distinct influence, emphasizing, as it does, a marriage in the presence of interested witnesses without the necessity of the services of a rabbi either at the betrothal or the nuptials. These three centers of influence indicated a return to a form of marriage largely controlled by the families concerned, under the regulation of the civil authority, with ministers present, if at all, as honored guests to offer prayer or to bestow a benediction on the newly wedded couple. Under the exigencies of a frontier life, legal forms and an officiating magistrate were often dispensed with, and the contractual common-law marriage was deemed sufficient. This form of marriage was legal, though its use might involve censure or fine. The church had a certain amount of control over families in respect to religious duties, illustrated by the requirement of compulsory attendance on services, though in Rhode Island the doctrine of the separation of civil and religious things nullified any such tendency in that colony. But this control grew less rather than more, for

as population increased, religion became personal and familial in its standards, and control by the church was both less needed and less favored.

In the Southern colonies by contrast, where Episcopacy was strongly entrenched, the church retained its hold on the family through its close connection with the civil authorities. The law, for instance, required that the marriage ceremony be performed through the clergy of that church, after compliance with the usual civil requirements of license and registration. But in these colonies dissenting religious bodies rapidly grew in numbers and importance, and they strongly objected to a ceremony not performed through their own ministers, so that marriages through the clergy of the dissenting bodies and the familiar common-law marriage were customary outside of the influential centers of population where Episcopacy was strong. In the Middle colonies existed two variants from the types prevalent in the other colonies, namely, the contract marriage of the Friends or Quakers, which is still in use among them, and the Dutch civil marriage of New Amsterdam (New York). This latter, however, after conquest by the English, included the religious ceremony and became assimilated to the prevailing type. Throughout all the colonies by the time of the Revolution marriage had become predominantly civil in its

basis, in the sense that whatever regulation there was, in respect to prohibited degrees, licenses, publication, and registration, came from the civil authorities, not from the church. The kind of ceremony, however, had become optional since it might be performed (1) by civil magistrates, or (2) by the ministers of any one of the recognized religious bodies so rapidly developing throughout the country, or (3) by the parties themselves after the fashion of the Friends. Moreover, the English common-law marriage under the conditions of frontier life was everywhere in vogue of necessity, since marriages must take place, and if ministers or magistrates are few and far between, a contract marriage in the presence of mutual friends is natural and proper. Among the poor, also, this form was common so as to avoid the payment of fees to magistrate or minister; and since it was legal there were no complications in respect to property rights, though in some colonies there might by chance be assessed a fine for failure to take out license or to make returns for registration. Miscegenation between whites and negroes or Indians was regularly forbidden. Marriages among slaves had the usual contract form; but the regulation, ceremony, and duration of the marriage depended largely on the wish of their masters. Being slaves, they were not able to contract legal marriages, could

claim no familial rights in the eyes of the law, nor claim ownership in their children as against their masters. Yet in the nineteenth century slavery as an institution disappeared from the United States and with it the compulsory illegality of its marriage.

In respect to divorce, the policy of New England differed widely from that of the other colonies. These being largely under the influence of the Episcopal Church tended to follow English precedents and allowed no divorces. Yet separation by mutual consent was apparently not uncommon and seemed to be sanctioned by public opinion even though not strictly in accordance with law. In New York under Dutch administration, divorces were granted by the civil authorities, but this ended also after its capture by the English. In the eighteenth century there was a slight tendency here and there to secure divorces through special legislation, but this movement did not gain much headway until after the Revolution. In New England, however, the more radical principles of the Reformation prevailed, and hence the colonists were in opposition to the indissolubility theory of the Roman Church. Power over divorce was vested in the civil courts; and in addition to adultery as a cause of divorce, cruelty and desertion were accepted as valid reasons. Petitions for divorce were received from

either husband or wife, though her petition was less likely to be granted than his. The limited divorce from bed and board passed out of use; and divorce, if granted at all, was made absolute. Under unusual circumstances the legislatures themselves did not hesitate to grant divorces by special legislation, and for a long time exercised a jurisdiction concurrent with that of the courts. Divorce through legislatures is now regularly forbidden by state constitutions.

CHAPTER VIII

THE FAMILY INFLUENCED BY URBAN CONDITIONS

DEMOCRACY as a social standard may arise (1) when economic conditions, fundamentally alike, compel a sort of equality among those subjected to a common environment. (2) Philosophic study may result in the teaching of democratic ideals, and these attract humanitarian enthusiasts the world over and become the basis for a propaganda. (3) A civilization dependent on commerce and manufactures assists in the growth of democracy, since it creates a steady demand for trained intelligence irrespective of birth or race or sex. The heart of this last type of democracy is the urban center, which throws wide open the doors of opportunity, inviting all to compete for wealth through achievement. Naturally the world's population is composed of both strong and weak, so that, even though there be an equality of opportunity for all who compete, the end of the contest shows the survival of the few and the defeat of the many. In other words, class distinctions are natural in social struggle, so that if society desires to maintain democratic

conditions it must (4) deliberately, as a permanent policy, promote general intelligence through education and must regulate the tendency toward economic extremes in society, by guarding against the concentration of wealth into the hands of a few, and the impoverishment of the defeated fraction of humanity.

The United States in its colonial period experienced democratic influences arising from the pressure of uniform economic environment; in the Revolution and in the first third of the nineteenth century democratic ideals were prominent, based on the theory of the "social contract"; during the last hundred years there has been a steady growth in urban population through increasing industries; and since the opening of the twentieth century great movements have arisen aiming to free the nation through social and legal regulation from the vicious conditions induced by the intense competition of urban civilization. This urban development of the United States has produced so many modifications in the American family that a statement of this influence and an explanation of counteracting constructive movements become necessary.

In the year 1790 only 3.35 per cent of the population of the States lived in urban centers as against 46.3 per cent in 1910.[1] So radical a

[1] Census of 1910.

change in the conditions of life for so large a part of the population has had its influence on the family, since the individualized open-air life of the farm is in marked contrast to the socialized indoor life of the city. A city's population grows not only through natural increase, but through migration from the country and the influx of foreign immigrants, who themselves come chiefly from rural communities. The reasons for this exodus from country to city have been carefully studied, and the conclusions published in many forms.[1] From the social standpoint there is a fascination about city life through the possibilities of many forms of social amusements unknown to the sparsely inhabited country. Well-stocked markets, facilities in shopping, and modern conveniences in the home add to the allurement of the city, while literary, esthetic, and religious opportunities attract the more thoughtful. As economic causes, may be mentioned the expansion of industries through the utilization of inventions, and machinery applying new forms of power to production and transportation. These demand masses of population so as to keep up a supply of skilled and unskilled laborers and they furnish relatively greater opportunities for wages than may ordinarily be obtained in rural occupations. This enormous economic expansion in produc-

[1] See for example, Weber, *The Growth of Cities.*

tion and in the demand for workers in industries and on the free lands of the West placed so great a premium on population that the native stock by natural increase could not satisfy the demand, and immigration from foreign countries was accordingly encouraged by the nation. The production of population was, as it were, "speeded up," so that large families, alien immigration, and an exodus from the less fertile lands of the country characterized the larger part of the nineteenth century. From the year 1840 one race after another sent its surplus population to swell the ranks of those seeking to satisfy the American demand for labor; in rapid succession came the Irish, German, English, Scotch, Scandinavian, and then the French Canadian, the Italian, the Jew of East Europe, and the miscellaneous population of Southeast Europe and Asia Minor. The flood from the Orient, also threatening to enter into the competitive markets of labor, was fortunately stopped by Congressional legislation and now leaks in only by driblets, largely over the Canadian and Mexican borders. At the present time the free national lands are practically all preëmpted, but industries are still expanding enormously, so that a tide of immigration flows steadily into urban centers so as to enter into competition for the positions constantly opening for workers.

The change in so many cases from rural to urban life had its disadvantages. Cities and growing villages, not anticipating such rapid expansions of industries and population within their borders, did not foresee the dangers of congestion, and passively allowed the incoming throngs to mass into dwellings as best they could. The existing housing capacity was entirely inadequate for the demand, building laws were woefully defective, and the powers of health officers weak and ill defined. In natural order followed overcrowding, the hasty erection of vicious tenements, and a rapacious landlordism that exploited the workers by supplying in slums wretched and insanitary shelters at exorbitant rentals. Many immigrants also could secure only a precarious livelihood because of their ignorance of the language and customs of Americans, and hence suffered the ills of malnutrition in addition to overcrowding in tenements. Again in many cases the supply of workers is in excess of the demand through financial crises or through a failure to distribute properly incoming immigrants to sections where their labor would be in demand. But a glut in the labor market results in intense competition for what work there is, drives down the wage, and lowers the standard of living. As a rule also the immigrant easily underbids the native worker in unskilled or partly

skilled employment, so that the latter too often sinks into the ranks of superfluous or occasionally employed hands.

Such conditions compel rapid modifications in home and family. The former stability and unity of familial life become weakened. The younger generation, trained in American schools and in the midst of an urban environment, become more versatile and even more competent than their parents in earning capacity. Too often in consequence they lose the old-time respect and reverence for parental authority, which in fact often changes to a sort of dependence on the superior practical capacity of the children. These as they mature drift away from home and parents under the attractions of enlarging economic opportunities, and because the training of the home is superseded by the drill of the shop or the mill, or by the influence of school or other agencies interested in social, religious, or intellectual instruction. Women also become wage-earners and gain importance in the household thereby. The unmarried, as they attain economic independence, become less eager for marriage; and the married, conscious of their capacity for self-support, become less willing to be subordinated to the male in the family or to become mothers of many children. Under economic stress the home becomes merely a temporary meeting-

place for board and lodging, the privilege of which is often shared with strangers. The attractiveness of home disappears; it is no longer a center for amusement and recreation, since these are sought on the streets or in theaters or social organizations. For the same or similar reasons conjugal ties easily become loosened, resulting in the problem of the homeless man and the deserted wife.

The keenness of economic competition is felt also in middle-class circles, whose standards of living are steadily rising and upon whom increasingly larger demands are made for mental preparation and equipment for their special occupations. In order to meet these demands young men must postpone marriage, have few or no children when married, and must substitute for the cottage home an apartment flat or the hotel with their lack of privacy and their prohibitions against children. Urban life also produces modifications in the family of the socially higher classes. These often become enamored with a fondness for ease and luxury and desirous of social prestige. The cares and responsibilities of children become onerous. Parenthood ceases to be either a pleasure or a duty and is shunned whenever possible. The birth of a child is an unwelcome event, and the care of it is promptly transferred to hired servants, who often lack

both the knowledge and sympathy needed in effective child-training. Emphasis on social pleasures, on the one hand, and absorption in business cares and club life, on the other, tend readily to make the marriage tie largely a conventional one, with not infrequent unhappy consequences. In all walks of life, from the highest to the lowest, may thus be observed changes induced through urban environment, radically affecting home and kinship ties.

As a result of such conditions many evils become common. Industries in their eagerness to produce results often lose sight of the human element and fail to safeguard the life, health, and morality of their employees. Insanitary conditions develop along with a disregard for comfort and decency, and a general indifference to the prevalence of accidents, so often preventable. Congested housing produces sickness and disease, especially tuberculosis, the curse of poverty. From the lack of a living wage and proper standards of living develop spontaneously pauperism, crime, sexualism, and intemperance, and these once established drag down into the "submerged tenth" many of those who heretofore had been struggling to maintain themselves in decency. Churches, dazed by conditions not provided for in their theology nor in their former experiences, practically confine themselves to attempts to

maintain their present standing, or else virtually cut loose from the masses and cultivate relationships with the classes who still profess belief in the teachings and methods of the churches. Philanthropies, also, overwhelmed by the expansion of population and the rapid increase in calls for charity, feverishly devote themselves to the collection of money for almsgiving, neglecting in their haste the possibilities of eliminating much of the demand by furthering constructive policies. Even the schools, swamped by the influx of so many of alien stock, devote themselves chiefly to the problem of teaching the rudiments of education to the children of native and alien alike, neglecting thereby the necessity of advance movements suitable to a progressive civilization. The government, finally, both state and local, becomes so interested in its economic expansion that it ignores the rapidly accumulating series of social problems developing in city and country, and allows evils to multiply that might with comparative ease be nipped in the bud.

By contrast to these conditions so plainly destructive in kind there are other tendencies constructive in their influence rapidly coming to the front throughout the United States. Society, overpowered apparently by the sudden onrush of increasing urban responsibilities, is at last slowly awakening to the situation and arousing itself

to grapple with modern social problems. Constructive movements of all sorts are becoming so numerous as almost to defy enumeration. Government is becoming interested in the elimination of social evils and in the upbuilding of the higher aspects of rural and urban life. The city as a municipal corporation is revising its chartered organization so as to adapt itself to newer conditions. It is developing a civic plan inclusive of future possibilities of growth; it is becoming esthetic and looks askance at its neglected back yards, its slums, and its bedraggled scenery, and, staggering at the heavy cost of its social evils, begins to experiment somewhat in methods of prevention so as to develop thereby a safer environment for its families. The schools also begin to find a respite from their undue absorption in their immediate problems and plan for a larger education better adapted to modern vocational and civic demands. In philanthropies the cry for social justice is heard as against the appeal for alms, and agitations innumerable are arising against urban conditions of housing, sickness, and disease. Churches begin to develop a social conscience and to take interest in the earthly welfare of the people as well as in their salvation after death. In the industries also both state and employer, realizing the value of efficient labor as a factor in production, begin to admit

the economy and wisdom of banishing conditions that produce sickness, accident, and low standards of living, and to take interest in coöperating with their workers in building up a decent and healthful atmosphere in home and shop. In fact, throughout the entire social body associations innumerable are rising up, each agitated about some particular aspect of the social problem, but all unitedly filled with the belief that society must not rest satisfied with present conditions. Disease must be banished from civilization, sickness and accidents reduced to a minimum, child labor abolished, and the conditions of life in city or country made such that every person may have opportunity to enjoy his life and vocation, unhampered by the evils that now so closely beset both young and old in modern civilization.

CHAPTER IX

THE MARRIAGE TIE AND DIVORCE

THE influence of democratic and urban tendencies on the family may be well illustrated by noting the modern problem of divorce and the varying forms of marriage in use throughout the United States. Marriage itself is based on mutual consent in the case of adults, supplemented by parental sanction if one or both of the parties are minors. The civil law defines the procedure of marriage, regularly requiring license, registration, and a ceremony performed by a magistrate, or by a clergyman authorized by law, or in whatever other way the law may ordain. No priest or clergyman may perform the marriage ceremony unless authorized by the state, so that a person officiating at a marriage is to that extent a civil officer. This uniform legal basis, however, is not always in full accord with existing theories in respect to the marriage relationship.

There are in fact six kinds of marriage existing side by side, some of which involve occasional friction with the civil authorities. These may

briefly be explained as follows: (1) The Roman Catholic theory is that marriage is a sacrament, indissoluble and valid only when performed by a priest after the rites determined by the church. (2) The Protestant theory is that marriage is a holy relationship, the sacredness of which should be emphasized by a religious ceremony when authorized by the state, and that the bonds of matrimony, once formed, should be loosened only for reasons based on the teachings of the New Testament. (3) The theory of civil marriage is one authorized by the state, performed by civil magistrates, and dissolved for causes determined by the state. (4) The common-law marriage is that in which cohabitation and a common life as man and wife are the essential steps of marriage, though the state has full control over divorce. (5) A free contract marriage is one in which the state authorizes the contracting parties, as in the case of Friends, to perform their own marriage ceremony in the presence of witnesses after compliance with legal requirements, divorces being granted under state authority. (6) There is an extreme free contract theory, sometimes called "free love," in which marriage and divorce are entirely withdrawn from the authority of the state and depend on the wish of the contracting parties. This is virtually the fourth form of family developed in late Roman

civilization.[1] From the legal standpoint the first and second forms by themselves can exist only in so far as they are made conformable to civil requirements, the third is legal throughout the United States, and the fourth and fifth forms are legal only so far as authorized by statutes or by common law. The sixth form is not a legal form of marriage in modern times, but exists illegally in the system of "mistresses" and is advocated as a proper marriage by social extremists. In actual practice nearly all marriages are performed by priests or clergymen after legal authorization, marriages performed by civil magistrates are not usual, the free contract marriage is rarely used outside of the body of Friends, who are weak in numbers, and the common-law marriage, while still countenanced by several States, is not favored, since the States prefer to keep a record of each marriage and hence as a rule demand license and registration.

The problem of divorce has a further significance as showing the influence of Christianity and democracy on the family. Ethnologists can still point to countries where metronymic conditions of marriage and divorce continue to prevail. Patronymic civilization exists throughout Asia and presents the varied aspects of that well-known type of familial organization. Japan, for

[1] See pages 38–39.

example, just emerging from the loose divorce system of that stage, showed from its statistics that, during the ten years from 1887 to 1896, one divorce took place for every three marriages, though since the adoption of a somewhat stricter code (1898) this ratio has become one to six. Nearly all divorces take place by mutual consent and are merely recorded by the courts.

In eastern and southern Europe the strict religious teachings of the Christian Church largely determine the legal basis of matrimony and minimize divorce. Ecclesiastical restrictions of a less rigid type prevail in northern Europe, so that the number of divorces relatively increases, the ratio being fairly high in some States, though there are wide variations. In France marriage and divorce are from the legal standpoint purely civil,[1] religious teachings having merely a social influence of varying importance. In the French colony of Algeria, a Mohammedan country, under the laxness of a patriarchal system the ratio of marriages to divorces was three to one in the years 1897 to 1905. In the United States of America the question of divorce is a national problem under full discussion, for not only is its divorce rate the largest in Western

[1] The civil marriage, however, for social reasons is often followed by a religious ceremony.

civilization, but it annually grants more divorces than all the European states combined.[1]

In the voluminous discussion arising from this fact many explanations have been advanced seeking to show why a Christian nation of high moral standards should have so heavy a divorce rate. In general the cause is rightly ascribed to the influence of modern democracy, but this itself is in need of explanation. If one may judge from the statistics of Algeria and Japan, a divorce system, largely dependent on male whim and unchecked by religious prohibitions, furnishes a divorce for every three marriages. If, however, church and state combine to forbid divorce at all, then obviously there are no legal divorces, and yet there may be much prostitution, illegitimacy, and adultery. As marriage becomes civil, and church and state separate, divorce may slowly become permissible so that the ratio of divorces to marriages may steadily rise. When the regu-

[1] For a detailed study of the divorce rates of foreign countries, see *Governmental Report on Marriage and Divorce*, part I, 1909; but as illustrations of varying ratios may be noted the following: —

Year	*Country*	*Ratio of divorce to marriage*
1906	Ireland	1 to 3777
1906	England and Wales	1 to 403
1906	German Empire	1 to 41
1906	Denmark	1 to 33
1905	France	1 to 30
1906	Switzerland	1 to 20
1906	United States	1 to 12
1905	Japan	1 to 5

lation of marriage becomes entirely civil and state and church are clearly separate, as in the United States, the religious standards tend to be supplanted by newer standards based on democratic theories of liberty and equality, while to many the "pursuit of happiness" seems more important than adherence to a religious command. This change takes place the more rapidly because the churches in the United States do not form a united body; they teach widely varying doctrines in respect to marriage and divorce, and hence are not able to present a consensus of religious opinion on the divorce problem. Furthermore, under ecclesiasticism women rarely seek divorce, but under democracy, on the other hand, as they win equality with men in the economic, civic, and intellectual spheres, they demand equality also in familial relationships, and, should the necessity arise, they do not hesitate to seek a separation from obnoxious husbands, as is shown by the fact that two thirds (66.6 per cent) of all divorces in the United States are petitioned for by wives.

In the early years of national history, democratic development in domestic matters found a natural outlet in modifications of the mechanism whereby divorces are granted. State legislatures, from the founding of the Republic, have aimed in general to satisfy popular demands, and among these demands was an insistence on a broadening

of the possibilities of divorce for causes other than adultery and desertion, and an assertion that women equally with men should be given the right to sue for divorce. As at the same time jurisdiction over divorces slowly passed from the legislatures to the courts, a petition might be filed in almost any locality, and a decree rendered at comparatively slight cost to the parties, within a short time, and with a minimum of publicity. During the first hundred years of national history, therefore, the laws in respect to divorce in general became lax, the ease of judicial procedure in divorce cases became proverbial, and the number of applications steadily mounted upward, almost without remark, since no statistics of real value were available. Social opinion easily readjusted itself to the new situation and a divorce ceased to have much effect on one's social standing. After the close of the Civil War the growing frequency of divorce began to attract the attention of churchmen, a few statistical studies were made, and in 1878 the Rev. Dr. Dike began to write and lecture on the question. Three years later a Divorce Reform League was formed with Dr. Dike as secretary, since which time he has devoted his life to the study of divorce and of other problems connected with the family. Through the League an agitation was developed aiming to have the National Government make

a careful study of American statistics in respect to divorce and marriage, so far as these could be obtained. Congress in 1887 authorized investigations, and these were published in 1889. The report at once attracted wide attention and ran through three editions. On the basis of the information thus furnished, movements at once developed throughout the several States for improvement and uniformity in legislation respecting divorce, and much progress in this direction has been attained. In 1905 Congress authorized a more comprehensive study of marriage and divorce, and this investigation was printed in two volumes in 1908–09. These reports furnish a fairly satisfactory basis for a clear statement of the entire question, and the conclusions are startling enough. The total number of marriages in the United States during the years 1887 to 1906 was 12,832,044. During the same period there were 945,625 divorces, or in round numbers one divorce for every twelve marriages. In the opinion of departmental experts this ratio may be subject to modification, since statistical records in certain sections of the United States are defective, so that it is possible that the ratio may be anywhere between one to twelve and one to sixteen. The divorce rate in 1906 was over three times that of 1867, the increase in percentage being practically steady year by year except

in times of economic disturbance. The ease of divorce is shown by the fact that of all petitions presented to the courts about seventy-five per cent were granted, fifteen per cent only being contested. It is significant that in only about forty per cent of the cases were children involved, and in nearly one half of these again there was but one child to the marriage. The causes assigned are in many cases conventional, but as illustrative of the situation the figures for the five years 1902–06 are as follows: —

Desertion	38.5
Cruelty	23.5
Adultery	15.3
Intemperance	3.9
Neglect to provide	3.8
Miscellaneous	15.

While intemperance was a direct cause in only 3.9 per cent it was a factor in 19.5 per cent of the cases. It is not to be assumed that the causes assigned are in all cases the real causes. Petitions naming relatively less obnoxious causes, such as desertion, will seldom be contested, so that such a cause by connivance may be agreed on in order to avoid the publicity of a trial in a contested case. Divorce under such circumstances practically amounts to divorce by mutual consent formally recorded before a court.

In the early years of agitation for the reform of divorce laws there was a demand for authority to pass a national divorce law, on the assumption that many persons moved to "easy" States so as to secure divorces more readily, but it now seems clear that there is little migration from State to State for the purpose of securing divorce. Of the divorces granted, 76.3 per cent are granted in the states where the marriages took place, and the remaining per cent, with a possible slight exception, represents the natural migration of population from one State to another.

Continuous agitation and publicity in respect to the divorce problem have naturally resulted in suggestions of many remedies. In legislation this has taken the form of attempts to have the States adopt in substance a uniform divorce law, so as to eliminate some of the recognized evils existent in a lax legal system. Such and similar suggestions emphasize a proper length of residence in a State before a petition may be entered in the court; a careful judicial examination of each case preceded by attempts at reconciliation after European models; a suitable interval between the petition and the trial and between the trial and the time within which the divorced parties, one or both, may not be allowed to marry; and finally, a strict regulation of those lawyers who specialize on divorce cases and by advertising

multiply the number of applicants for divorce. Moreover, it is recognized that many divorces would be unnecessary if only hasty marriages were rendered impossible by insistence on a formal license, taken out in the locality where one of the parties has domicile, several days in advance of the ceremony; that legal age, or, in the case of minors, parental consent be demanded; and that the ceremony, whether before a magistrate or a clergyman, be made formal and solemn so as to make clear the importance of the step about to be undertaken.

From another standpoint, through the sociological trend of the day an increasing emphasis is being laid on the social factors that play so large a part in the divorce problem, preëminent among which, as a baneful influence in its effects on the sanctity of the marriage tie, is the prevalence of prostitution and its contagious diseases.[1] A consensus of opinion is slowly arising that a real cause underlying the excessive demand for divorce is the existence of sexual diseases transferred from husband to wife. Inevitably this results in mental anguish and aversion, in hateful physical consequences to wife and child, or in the evils of abortion and sterility. If sexual vice is a chief factor in the rising ratio of divorce, then divorce to that extent may be due to a moral,

[1] See Prince A. Morrow, *Social Diseases and Marriage.*

not an immoral demand. Admitting as one must that divorces too often are sought for on extremely frivolous grounds and without a proper appreciation of the sanctity of the marriage relation, admitting also that many marriages are entered into without proper consideration or from low and unworthy motives, the fact remains that the increasing demand for divorce is in general justified by public opinion. We are developing as never before ideals of the sanctity of one's personality and of a social obligation to posterity. A marriage connection that depresses and defiles the inner self is unholy, and when it results in the birth of abnormal children mentally and physically defective is in the highest sense of the word immoral. When an intelligent wife with moral sensibilities realizes that sexual vice on her husband's part preceded or followed the marriage, no dictum of church or clergy can make a tie seem sacred which fills her with horror and loathing. A marriage, in other words, is sanctified only when the parties to the contract are themselves fit bodily and spiritually for a holy ceremony and remain so throughout life. Nor should churches place themselves in opposition to divorce so long as they unite in what should be a holy marriage the pure and innocent with the impure and defiled. When churches refuse to marry those unfit for conjugal and parental rela-

tions, then they may with a good conscience insist on a permanent marriage tie. The state also will as public opinion develops assume the same attitude, and make sound physical and moral health a prerequisite for a legal marriage.

CHAPTER X

DEMOCRACY IN THE MARRIAGE TIE

THE harmonious unity of the sexes through marriage is so fundamental to any theory of conjugal stability and so necessary to an advanced civilization, that it may be advantageous to trace in review the varying aspects of sex relationship, so as to show the trend toward a higher form of coöperation in the marriage tie.

In primitive civilization human beings, descended from a common ancestry and subjected to a similar environment, would naturally develop a sort of democracy. In physique, in mentality, and in capacity to struggle for existence there would be an approximation toward equality, even though slight variations might be numerous. The sexes, too, were not unequal, since the physical superiority of the man was offset by the probable mental superiority of the woman. Fortunately for civilization, woman in the earlier metronymic stage was from the social standpoint rather more important, since the family was molded into a social group through her influence. She developed language and the home,

multiplied the comforts of life through her ingenuity, and by her knowledge of edible vegetation and medicinal herbs she supplied her family with food, served as their physician in times of illness, and was even their interpreter in the mysteries of the supernatural. Within the group, children were under her guidance, and as they approached adolescence acquired their larger education through imitation of their elders. By a system of judicious neglect they had to become economically capable or starve, so that those who reached maturity were virtually self-sufficient through natural selection. Each might aspire to whatever position seemed best suited to his capacities; there were neither slaves nor social inferiors; occupation, marriage, and honor were open to all, as opportunities to be utilized or neglected.

Yet if through changing conditions, such as migration or the rise of private property, there came racial and social conflicts, conquest and defeat would be followed by relationships of superiority and inferiority. The lower would still be equal among themselves, and the higher equal one to the other, but the earlier unified democratic group would become aristocratic, as the population separated into classes and castes. Superiority might be based on physical, economic, or intellectual capacity, but once attained

and asserted it tended to become permanent, since the dominant class would control social regulation and would maintain conditions favorable to its own supremacy.

A similar change in status may be clearly seen in the social relationships of the sexes. There is naturally a permanent distinction in the physiology and psychology of male and female, and this fundamental differentiation from the beginning made the social function of women different from that of men. There was a democracy among women, and a democracy among men, but the two sexes were not necessarily on exact terms of equality in their relations with each other. Differences, however, became accentuated, when in patriarchal civilization men became the providers of foods, monopolized higher occupations, and won supremacy in religious and intellectual life. Woman's work in consequence ceased to be first in social utility, and her function tended more and more to become that of a bearer of children and a sharer with the slave in the performance of the drudgery of the group. Those women found favor in men's eyes who were attractive through their beauty or accomplishments, or through their docility and patient endurance under privation and toil. Less tractable females were eliminated through harsh treatment, or "tamed" after the method elaborated by Shake-

speare in his *Taming of the Shrew*. Naturally women did not submit readily to this position of inferiority, so that patriarchal literature is full of male complaints about the other sex. Men asserted that women were idle and deceitful, forgetting that these are natural virtues to slaves who have no incentives to nobility of character or to industry. They objected because women, growing weary of the monotony of daily routine, longed for the excitement of the theater, the procession, or the city streets. They also lamented the fact that women sometimes lacked chastity, in imitation of men; or drank too much wine, as their male kin did; or, when nervous from strain and overwork, scolded their indolent husbands, as Xanthippe scolded Socrates for "gadding" about the streets of Athens with a crowd of idle youth.

Yet through it all there was slowly arising as a sort of ideal a newer conception of the home and the relationship of its members one to another. The settled life of patriarchal civilization developed here and there gleams of an idealized household, so that in the Old Testament, in Homer, in the traditions of early Rome, and in the legends of the East may be found splendid illustrations of conjugal, parental, and filial devotion. But neither the "perfect woman" of Proverbs nor the ideal household of Xenophon

altogether satisfy modern demands. Nor does the utopian family life depicted in the sixteenth century by Thomas More and Francis Bacon do more than excite a smile to-day.[1] With the modern religious emphasis on the inherent sacredness of the marriage relation there developed a newer attitude toward woman. Men no longer debated, as in medieval casuistry, whether or not she had a soul, but went back to the earlier Christian concept of equality and companionship. The word "home" came to have its modern meaning, so well voiced by Payne's *Home, Sweet Home*, and the rigors of marital and parental discipline slowly softened, opening the way for the kindlier movements of the day, out of which should come in process of time a family of higher type, reproducing in the smaller circle what Pericles in his *Funeral Oration* and Cicero in his *De Republica* strove to inculcate as patriotism to the state.

This change in the status of woman is really part of that larger social movement which broke up in Europe the patriarchal basis of civilization and readjusted it on modern lines. As civilization changed in kind from agriculture to commerce and manufactures, women's work became increasingly important in these newer vocations, so that a capable woman of skilled intelligence

[1] See Morley's *Ideal Commonwealths*.

was too valuable an asset to be treated as a mere slave or servant. The newer civilization demanded economic capacity and mental skill, so that a more generous education became a necessity even for the masses of the population. Women shared in this as the natural guides and teachers of children and thereby acquired greater efficiency. With a broader outlook on life they began to assert their right to the highest education of the times and to demand entrance into the universities and the professions. In securing these rights they secured at the same time freedom in thought and conscience and the right to determine their own moral standards and religious beliefs, even though these by chance should fail to accord with those held by males. But such changes as these deeply affect both the social system and the marriage relation, since through their industrial capacity and larger mental training women readily may find vocations open to them outside of marriage. Marriage accordingly ceases to be so important in their eyes, since they need no longer marry for a home, and hence they enter on or refrain from matrimony as may at the time seem best.

This larger freedom of choice is far-reaching in its effects. Modern biology shows that, while each sex contributes a share in the generation of offspring, the female is the more important of

the sexes in reproduction, since she has the dangerous function of child-bearing and the responsibility of nursing and rearing the child. The decision, therefore, as to whether or not a wife should bear children should be hers, not the husband's, and a recognition of this right becomes a factor in a decision for or against marriage. Again, conjugal love is undergoing a marked change in modern civilization. In place of a basis for marriage founded on sexual passion or economic considerations, the relationship between the sexes is assuming a more emotional and a more intellectual aspect. Sexual and economic considerations relatively diminish in importance, and instead comes a strong desire for social companionship in the higher aspects of life. An idealizing tendency develops through emphasis on the play of the higher emotions and an appreciation of each other's moral and intellectual qualities. Marriage under such conditions is necessarily monogamous and is the best possible basis for parenthood. This development has added to human nature a new quality of the mind—a sexual love not primarily physical, and a conjugal affection that endures even in sickness, misfortune, and old age. It is therefore socially important that women, unhampered by economic considerations, be allowed the determining voice in deciding who shall be the fathers of their chil-

dren in order to insure a free choice among those who are most vigorous physically, morally, and mentally. Furthermore, a union founded on mutual esteem and love will naturally result in a more stable family life, will develop mutual helpfulness in bearing the misfortunes of existence, and will create thereby a domestic atmosphere most favorable to the higher development of children.

Partly because of such influences marriages of a socially higher grade tend to take place later in life. The early marriages of the Orient prove injurious, since wives become mothers while still physically and mentally immature. In consequence their children are often weaklings, and they themselves at a comparatively early age lose their beauty and break down physically. Their husbands by contrast are still in the prime of life and find it hard to consort with wives prematurely old. Regularly a wife's lot, therefore, is neglect, divorce, or the addition to the family circle of younger and more attractive wives. On the other hand, the marriage of mature persons results in vigorous offspring at a minimum of loss of vitality on the wife's part. Under such conditions women retain their attractiveness much longer than wives of early marriages, and may supplement waning physical charms by the higher qualities of the soul. Another effect of the mod-

ern marriage is seen in the birth rate. Savage races have a moderate birth rate, but a high infant death rate. The mass of population in civilization has a fairly high birth rate and a high infant mortality that lessens with the enforcement of principles of hygiene and sanitation. The higher social classes of monogamous society have a small birth rate and a correspondingly small death rate, since fewer children are born and more attention is paid to their health and training. The father also adds his influence and experience to the management of the household and thereby aids in the development in them of a more vigorous personality.

These influences combined have a refining effect on the male. A man who desires to marry an intelligent woman of equal standing must suppress all thoughts of illicit relationships and conform to as strict a code of chastity as he demands from her. Unquestionably civilized man is more strongly sexual than the savage, but he must have his passions under thorough restraint. He must be self-controlled, since the marriage relationship of a highly monogamous type is so dependent on mutual love and confidence that irregular connections on either side destroy this bond and practically compel a divorce. Necessarily, therefore, the male becomes more altruistic, respects the rights and personality of wife

and children, learns to be chivalrous in his attitude toward women, and to appreciate at their true value their higher qualities. He prefers to devote his energies to his ambitions, not to the gratification of bodily passions, and finds in the pursuits of wealth, knowledge, or civic honors, that absorption that polygynous males find in the attractions of the harem.

Naturally there are many in monogamous society who do not conform to these requirements, yet under the principle of *social survival*, the standards of life are slowly rising and those who persist in violating them are being eliminated in the social process. The state is a powerful factor in this process of survival. It seeks through legislation and administration to aid in the establishment of higher standards of life. It eases the strain of economic competition by prohibition of exhausting labor on the part of women and children; it furnishes compulsory education for both sexes, regulates marital and parental relationships, prohibits polygyny, and seeks to suppress sexual immorality in all its forms. Religion lends its sanction to these efforts, and unitedly church and state strive to maintain a permanent monogamous standard of marriage, as the one best fitted to secure high morality, a healthful sexual relationship, and the production of capable children.

CHAPTER XI

THE FAMILY UNDER REORGANIZATION

In previous chapters an attempt has been made to pass before the mind in rapid review the family in its evolution up to the twentieth century. Beginning in a simple metronymic form, it slowly developed, as aids to survival, the ties of kinship, a legal paternity, a formal marriage ceremony, and systems of social control through kinsmen, church, and state. In modern times it is settling on democratic lines, after many vicissitudes, the relationship of husband to wife and parents to children. To-day under the intensity of urban civilization the standards once so firmly established by kinship and church are rapidly in process of modification, thereby suggesting as alternatives either an anticipation of social degeneracy or the necessity of a reorganization on firmer bases adjusted to newer conditions.

If one cared to lay stress on the social conditions and forces that retard the progress of the modern family, it would be comparatively easy to depict a situation so black that only pessimistic conclusions could be drawn. Especially would

this be true if the goal in mind involved the hopeless possibility of a return to the passing standards of former generations. If, however, one may rely by preference on the inherent rightness of modern tendencies, then certainly, by emphasis on the constructive movements of the day, there may be discovered a scientific basis for a belief in a more optimistic outlook for the institution of the family.

The chief evils that beset the family are by no means new in human experience, though the pressure of a strenuous economic and urban environment has intensified them. Even in the earliest known civilization a system of prostitution existed, and to-day it is by far the most serious handicap on social progress. It is an evil widespread throughout the United States, in every village and city of the land, and through its train of resulting contagious diseases has become a serious national menace. Recent investigations show [1] that prostitution as a business is commercialized, having its agents scattered in all parts of the earth, its "drummers" working on commission, its wage system, its slavery, and its enormous profits, a large share of which must be set aside for the corruption of police and civic authorities. It ruins not only the health and lives

[1] See, for example, the Report of the Vice Commission of Chicago.

of the wretched women immeshed in its toils, but blights the ambitions and idealism of young men, destroys the sanctity of home and domestic affection, and demoralizes municipal administration through graft. Furthermore, its evils seem to be on the increase owing to the connivance of officials and the mercenary zeal of its promoters in their attempts to arouse and to pander to the depraved appetites of boys and men. Heretofore, also, no serious attempt has been made to suppress this evil, since police departments found it a prolific source of illegal income, and church, school, and family were combined in a conspiracy of silence in respect to a subject placed under social ban and tabu. Unquestionably there is no evil in society so destructive as this of national well-being and individual happiness. It is a vice without a single redeeming feature and finds its only apology in a confession of human weakness and depravity.

Related to this evil and attributable entirely or largely to the same causes are the kindred evils of adultery, bigamy, sexual perversion, seduction, illegitimacy, infanticide, and abortion. No sadder pages of human history can be found than would be displayed in the social records of these practices so destructive of the morality and virtue of the human race. Yet so insidious and so secret are these evils that many persons live their

lives in a fools' paradise, knowing nothing of the sinister influences environing them and heedless of the dangers threatening their friends and kin, and sapping the foundations of national prosperity.

Much of this evil may rightly be charged to the intense competition involved in the economic struggle for survival. Underfed, unskilled, and ignorant women find the paths of virtue much more thorny than seems to be the road to vice. To those who have little forethought, chastity seems of small importance in comparison with prospective gains in a lucrative business; and it is not strange that so many, under the enticements of their supposed friends, swell the ranks of the prostitute class. Again, the very simplicity of innocent girls is too often the cause of their undoing, since they are ignorant of the depravity of human nature, and are sold into prostitution by wolves in sheep's clothing, working under the stimulus of lust or gain.

The ranks of prostitution also are recruited by men of leisure, who, supported by inherited wealth, instead of devoting themselves to lives of social utility, become dissolute and ruin or aid in the ruin of weak women whom manly chivalry should protect. Then, too, prostitution multiplies because an early marriage to many men, for financial reasons, is an impossibility; and these,

under the stress of surging passions poorly under control, may readily yield to immoral practices, ultimately to their own and the social detriment. Men not steadily employed, for example, are especially prone to temptations of this sort, since they in so many cases become homeless, houseless wanderers, restrained by no social or domestic ties except such as may linger from the memories of earlier years. Husbands, moreover, out of regular work from whatsoever reason, soon dread to face the hunger-look of wife and children, abandon them to the mercies of charitable agencies, and easily learn to stifle conscience by indulgence in the many forms of possible dissipation. The economic and social standards among the socially higher classes produce their effects also in the confirmed bachelor, who is seldom noted for his chastity; or else in the late and childless marriage so common in modern days.

Another real danger to national growth lies in the modern demand for celibacy or childless marriages from so large a part of the nation's best population. Soldiers and sailors in the army and navy, the great body of women teachers, the priests, brotherhoods, and sisterhoods of the Roman Catholic Church, and intelligent, ambitious young men who postpone marriage until they have a suitable income, unitedly make up too large a percentage of a nation's finest popu-

lation, destined for the most part to leave behind them no descendants to perpetuate the best qualities of the race. Because of such conditions as these some writers foresee only racial degeneracy and national decadence.

This "race suicide," to use the term launched by Professor Ross,[1] has a double aspect: (1) it may refer to a condition in which the members of the socially higher classes become extinct through late or childless marriages or the avoidance of marriage at all, resulting in racial propagation through the least efficient elements of the stock; or (2) as the term is used by Doctor Rentoul,[2] a race commits suicide when it fails to take warning from experience and science; allows itself to be depleted by an excessive mortality, preventable diseases, the racial poisons of morphine, alcohol, and syphilis; fails to prohibit parenthood to its abnormal and defective classes; permits vice and immorality to eat away the brawn and brain of its citizens; and discourages its best population from marriage by social conventions and economic standards.

These really serious handicaps to domestic integrity and racial continuance are more heavily weighted by the insidious subtle influences of an

[1] *Annals* of the American Academy, 1901, vol. XVIII, p. 88.

[2] *Race Culture or Race Suicide.*

urban environment, which seems to loosen the ties of kinship and to weaken the restraining control of home and parents. Add to these the rapid multiplication of divorce as exemplified in the United States, and there is small wonder that so many anticipate the downfall of American civilization as a consequent from racial degeneration and the disappearance of homely virtues in domestic relationships. Such pessimistic conclusions would seem inevitable if one were to rely on historical studies of the rise and fall of nations; unquestionably modern civilization presents many of the marks of decadence and senility, and there is no known panacea warranted to cure its social ills. The chief and in fact the only hope for racial salvation lies in the new factor in civilization which has so rapidly come to the front in the last fifty years, namely, a growing appreciation of the possibilities of science and its prospective applications to social betterment.

Men often fail to realize that the human race is not decrepit with age, but is in fact in the early flush of adolescence, since the earth will remain suited for human habitation for several millions of years. Civilization is yet in its infancy, and present attainments will seem rudely primitive a thousand years hence. Mankind but dimly comprehends the mighty power in its possession in the human brain and intellect. Yet in this twen-

tieth century society is feeling its way toward the light and slowly begins to dream of the future and to test its strength against the evils that beset it. Through science in its applications in the fields of physics, chemistry, and biology, the possibilities of production and of the multiplication of food supplies will be so thoroughly mastered that the economic problems of to-day and the Malthusian threats of starvation will no longer trouble advanced civilization. Biology, in addition to its services in the scientific multiplication of food supplies, will also work out the principles underlying the production of a capable human race. The newer psychology, basing itself on physiology, will increasingly apply its principles to social education and to the larger aspects of social control. The science of sociology, also, so rapidly increasing its applicability to social betterment, should prove of great aid through its synthetic and constructive attitude toward social reforms and the guidance it may afford in attempts to solve social problems.

Of peculiar interest among these scientific movements is the attention now devoted to the principles of racial progress. Naturally this may take the form of emphasis on the improvement of human environment, so important in agitations for social reform,[1] or it may lay stress on the up-

[1] See, for example, Miss Richards's *Euthenics*.

building of the human race through heredity. Eight years ago this last principle was brought into prominence by Francis Galton through his famous papers on Eugenics read before the English Sociological Society.[1] This science, now so rapidly in process of formulation by careful study, aims to deal "with all influences that improve the inborn qualities of a race," and in its purely biological aspects under the name of Genetics[2] is seeking to work out the physiology of heredity and variation, chiefly from the standpoint of Mendelism.[3] Should these biological principles be established on a scientific basis, it will then become possible to decide accurately in respect to mental characteristics inclining toward disease, vice, degeneracy, or their opposites; and on the basis of such teaching a wise social policy can be established, either by encouraging marriages among the capable or by prohibiting marriage to the members of degenerate stocks.

If the science of Eugenics be broadened by the inclusion of psychological and sociological principles, as Galton presumably intended, then the

[1] See Reports of that society, 1904–05, or the *American Journal of Sociology*, July, 1904 and 1905.

[2] See, for example, Bateson's *The Method and Scope of Genetics*.

[3] The study of scientific breeding from the standpoint of the inheritance of dominant characteristics. See, Punnett's *Mendelism* in Bibliography.

restriction of such a study to any one nationality may well be called Eudemics.[1] The United States, for example, in a eudemic study of its population would have before it the problem of developing each new generation into a more vigorous racial stock capable of continuing and enlarging the standards and ideals of the nation. The importance of such a study from the standpoint of the family is evident. If science can supply definite information in respect to human heredity and variation, and can show the relative importance of a social environment, then it would be a mere matter of time before such knowledge would become ingrained in social institutions through education, and progress in such matters would thereby be accelerated enormously. Much information of this sort is already available, so that the adoption of a eudemic policy is even now feasible. Such a policy may be presented from many points of view, and three of these will be suggested in turn as illustrative of methods possible of employment.

(1) The first and perhaps lowest form of a social program would involve a policy of elimination and extermination, and would embrace the movement against disease, as, for example, against diphtheria or tuberculosis. If it becomes

[1] A word suggested by Librarian Koopman, of Brown University.

plainly evident from studies in heredity that certain human stocks are distinctly inimical to racial development, these must surely be eliminated through a policy of segregation, as, for example, in the case of the idiotic or feeble-minded, or through restraints on propagation by means of some such operation as vasectomy or ovariotomy. These stocks under present theory would include those clearly degenerate in physique, mentality, or morality, and it should be entirely possible in advanced civilization within this century practically to reduce disease to a vanishing point and to extirpate a large percentage of degenerate stocks by prohibitions on marriage and propagation. In the same way it is on the face of it possible to agitate against the great social evils of the time with the hope of eradicating them from civilization. Hence there are among social reforms many making war, as it were, upon some great vice or social evil, such as sexualism, intemperance, gambling, or rapacious landlordism, and the exploitation of children in the industries.

(2) Yet it is becoming increasingly evident that the direct method of attack is not nearly so efficacious as are methods of social regulation and control. Much that seems attributable to deficiencies in heredity or to innate depravity is in reality due to the influence of an environ-

ment in need of effective regulation. In economic matters, for example, modern civilization is no longer in need of industries that can thrive only on underpaid labor, and a nation might better forego some of its economic profits if these are gained through the degradation of any part of its population. Society, therefore, should insist on the payment of a living wage, sufficient to allow of decent standards of living, and that work be performed under proper conditions of sanitation. Furthermore, a wage should be determined by the earnings of an adult, not by the joint wage of two or more members of a family; and the amount of work demanded should be standardized under efficiency methods and equal pay given for equal work. The state also should see to it that the relations between employer and employed be carefully regulated so as to eliminate as much as possible disputes in respect to wages, hours, employers' liability, and the glut or scarcity of labor, and also that the housing conditions of workers as well as general civic conditions of health and sanitation be favorable to a wholesome life. Especially should suitable regulations be developed against the exploitation of women and children, since no race with safety can allow these to be subjected to conditions that will depress their vitality and efficiency. The opposition of those interested in the maintenance of

low standards of life should in no case be allowed to thwart the demand for racial integrity and happiness.

Moreover, it is not unlikely that as knowledge multiplies in regard to matters involving sex morals and problems of domestic relationships there will come in certain directions modifications in social policy. Illegitimacy, for instance, rightly is condemned by public opinion, for children should not be born into the world except under conditions set by moral standards based on experience and scientific knowledge. Yet it is possible that in the future society may look compassionately on mother and child under such circumstances, but visit its sternest disapprobation on the father, compelling him to set aside a proportionate share of his income for the support of the child, and publicly to acknowledge it as his offspring. Public opinion also in the case of the prostitute may be inclined to forbear from condemnation and, on the other hand, to incarcerate as criminals those who tempt women to sin and who pander to human lust. Again, in further illustration, under present conditions a poor widow having minor children is punished for her motherhood by privation and excessive toil through her endeavor to support them in decency, whereas a proper policy would cheerfully support them as a united family, not out of

charity but as a right due to the mothers of the next generation. Indeed, it is not unlikely that the state under a complete insurance system may supply an annual pension to the mothers of minor children, as a policy far more socially justifiable than pensions allotted for services in war.

(3) After all, the real solution of domestic problems will depend not on eliminations and regulations so much, since these have only a temporary value, as on the spread of scientific knowledge aiming at the betterment of economic conditions and general intelligence on the part of the whole population. When a nation, conserving and developing its natural resources, seeks also through education to stimulate the inventive capacity of its people and to train them vocationally, it will gradually free itself from the burden of a mass of illiterate and unskilled laborers and multiply production so largely as to free itself from the curse of pauperism and poverty. Other hindrances to civilization also would disappear through the gradual elimination of defectives and incompetents, through the guaranty of work to every capable adult, and through the payment of living wages to women as well as to men. As the standard of living rises with economic betterment, the excessive families of the improvident poor will diminish in numbers, since workers would become ambitious for social

advancement and would emphasize quality of offspring rather than quantity. With advancing civilization would come a more leisurely and less strenuous life, placing less stress on economic wealth and more on intellectual and moral progress. This would permit of marriage to many now debarred from marriage, and as the teachings of eugenics become part of morals and religion, public opinion will frown on a celibate life and childless marriages. The removal of the tabu on the discussion of sex morals will result in an intelligent appreciation on the part of women of the necessity of a purification of present conditions and a demand for a single standard of chastity. Stimulated also by maternal love, women will insist on an education that will really prepare the child to become an efficient worker, an intelligent citizen, and a wise parent. Education already is losing its artificial character and is once more seeking to ally itself with the home. Uniting itself with the library and the museum, with art, music, and wholesome recreation, the school is becoming the center of the social life of its neighborhood. It seeks to bring together, with a common interest in the child, the parent, the teacher, and the expert in health. It looks forward to the maturer life of its students and seeks to prepare them for civic and economic usefulness and domestic responsibilities. It trains

them in personal hygiene, in sex morals, in a recognition of duty to state and society, and aims so to refine their personalities as to eliminate unconsciously the bestial elements derived from a lower civilization. This is the age of the child, emphasizing its rights and demanding that every child born into the world have honorable parentage, right training, a morally stimulating environment, and full opportunity through education to make the most of its latent powers. A civilization with such aims need have no fears of racial decadence, but rather may rely on a pure family life, a permanent monogamous tie, and a society largely free from its present defilements.

THE END

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